

THE MONTHLY ANTHOLOGY,

FOR

JUNE, 1809.

[The subject matter of the subsequent decree is highly important, both to merchants and mariners. The elemental writers, the admiralty and common law decisions of Great Britain, have neither settled the point, nor elucidated the question; and the marine ordinances of the continent not only required a reconciliation among themselves; but the most luminous tracts were supposed to have left the question involved in ambiguity. The District Judge of Pennsylvania first decreed in favour of the heirs of a deceased mariner, for wages posterior to his death till the termination of the voyage, from which decree there was an appeal to the Circuit Court, which Court affirmed the decree below. Upon the authority of that case the present libel was instituted; but the learned judge could not conscientiously yield his judgment to the weight of that authority. His investigation of the subject has resulted in the subjoined decree.]

FOR THE ANTHOLOGY.

MASSACHUSETTS DISTRICT.

SPECIAL DISTRICT COURT, MAY 31st. 1809.

PETER H. NATTERSTROM, ADM. OF JOHN TAYLOR, DECEASED,
vs.

SHIP HAZARD, WILLIAM SMITH, LATE MASTER.

JAMES AND THOMAS H. PERKINS, OWNERS OF SAID SHIP, RESPONDENTS.

SELFRIDGE for the Libellant. PRESCOTT and JACKSON for the Respondents.

JOHN TAYLOR, on the 18th. July, 1805, entered on board the ship Hazard, at Boston, as a mariner, for a voyage to the North West coast of America, from thence to Canton, in China, and back to Boston, at the monthly wages of sixteen dollars, and signed articles in common form. The ship, soon afterward, sailed on the proposed voyage, and on the 17th. day of October, 1805, Taylor, with three other seamen, while manoeuvring the ship, in a gale of wind, were carried overboard by a sea, and drowned. The ship performed the contemplated voyage in safety, and returned to Boston on the 23d. June, 1808.

It appears that Taylor received thirty two dollars advance wages, before the ship sailed from Boston, and that disbursements were

made to him, on the voyage, by the master, to the amount of thirty five dollars and fifty cents, exceeding, in the whole, the amount of wages, to the time of his death. The respondents allege, and it is not denied by the libellant, that by reason of the death of said Taylor, and of the three other seamen, who perished with him, the master of the ship was obliged to proceed to Rio-Janeiro, where he arrived on the 11th. November, 1805, there to hire four other seamen, which he accomplished at high and extravagant wages, to replace those who were lost, and to enable him to prosecute the voyage aforesaid ; and they further allege, "that it is and ever has been the usage, custom, and practice of the trade, in which said ship was employed, in the voyage aforesaid, for the owner or master of the ship or vessel to pay, and the legal representatives of any mariner belonging to a ship or vessel, who had signed articles of agreement or a shipping paper, and happened to die on the voyage, to receive the wages accruing to such mariner, from the time of his entering on board such ship until his death, at the rate expressed in such articles or shipping paper, in full satisfaction of all claims and demands of such representative against the owner or master of said ship or vessel, for the wages or services of such deceased mariner."

This cause has been amply discussed, and it remains to determine the only question on which it depends ; what is the legal effect and operation of the death of the mariner, Taylor, in manner and at the time above stated, on his wages ? For the libellant it is contended, that the same amount is by law due, as if he had survived and continued in the service of the ship during the whole voyage. On the other hand, it is contended for the respondents, that his wages, at the stipulated rate, are only to be reckoned to the time of his decease ; and, of course, that the libel ought to be dismissed, as more than the amount of wages, due on that principle of computation, had been paid to the deceased.

The counsel for the libellant rests his claim on the 7th. article of the laws of Oleron, the 19th. of Wisbuy, and the 45th. of the Hanse Towns ; and on a late decision in the Circuit Court of Pennsylvania, *Jackson's administratrix vs. Sims*, affirming a decree of the District Judge, by which full wages, for the whole voyage, were given to the legal representative of a seaman who had engaged for a voyage from Philadelphia to Batavia, and back, and who died, in the course of the voyage, at Batavia. [1 Peters. adm. decisions 157.]

In the examination of this subject, I shall first inquire into the genuine meaning and import of the ancient ordinances above mentioned, in reference to the point under consideration. We have, I presume, a correct text of the laws of Oleron, in the *Us et Coutumes de la Mer*, by Cleirac. The 7th. article prescribes the duties of the master, when a mariner falls sick, in the service of the ship. It directs, that he shall be put on shore, and that suitable humane provision shall be made for him. The closing paragraph, which, alone, has special application to the question now under consideration, runs thus ; "Et si la nef estoit preste à s'en partir,

elle ne doit point demeurer pour luy ; et s'il guarit, il doit avoir *son loyer tout comptant*, en rabattant les frais, si le maistre luy en a fait ; Et s'il meurt, sa femme et ses prochains *le doivent avoir pour luy.*" "And if the vessel be ready for her departure, she ought not to stay for the said sick party ; but if he recover, he ought to have *his full wages*, deducting only such charges as the master has been at for him. And if he dies, his wife or next of kin shall have it."

I resort to the same author for the correspondent articles in the other ordinances, not having been able to find any copy of the original text.

Ordinances of Wisbuy, Art. 19.

Si le matelot tombe en infirmité de maladie, et qu'il convient le porter à terre, il y sera nourri comme il estoit dans le bord, garde et servy par un valet, et s'il vient en convalescence sera payé de ses gages ; et s'il decede, ses gages et loyers seront payez à sa vefue, ou à ses heretiers.

If a seaman falls ill of any disease, and 'tis convenient to put him ashore, he shall be fed as he was aboard, and have somebody to look after him there ; and when he is recovered, *be paid his wages* ; and if he dies, *his wages shall be paid to his widow or heirs.*

Laws of the Hanse Towns, Art. 45.

Que s'il revient en convalescence, il sera payé de ses gages tout ainsi comme s'il avoit servy, et s'il meurt, ses heretiers les retireront entiere-ment.

If he recovers his health, *he shall be paid his wages, as much as if he had served out THE WHOLE VOYAGE* ; and in case he dies, *his heirs shall have what was due to him.*

I adopt the translation given in the "Sea Laws," first published in England, in the reign of Queen Anne, not from a respect to the translation of those ordinances, in general, as contained in that work, for in several instances it is palpably incorrect, but because, from its long standing in our language, it is entitled to consideration, and in the articles now cited, it gives, to my apprehension, the sense of the text, with sufficient correctness. Stress has been laid, by the respondents' counsel, on a supposed mistranslation of the article from the laws of Oleron. It is said that the word *comptant* means *money down*, and, that the addition of the word *tout*, to the word *comptant*, only renders the expression more emphatick. However this may be in modern French, and there are certainly respectable authorities in support of the criticism, I am convinced, that something more was intended by the phrase, as used in the article cited, and that it was designed to express not merely the mode of payment, but has reference to the *quantum*.

It is evident from Cleirac's comment, that he so understood it ; and I consider the meaning to be the same, as is conveyed by the word *entierement*, which he uses in translating the cited article of the laws of the Hanse Towns. Valin, in his discussions relative to wages, frequently uses the phrases *en entier* & *en plein*, which are of equivalent import. But these modes of expression do not, necessarily and universally, imply an absolute payment of the wages for the *whole voyage*. Such, indeed, is their frequent application ; but we also find expressions of this description employed,

when a payment of wages, for a less time than the whole voyage, is most evidently intended.

The third article of the laws of Wisbuy directs, that if a master discharge a seaman without just cause, after the commencement of the voyage, he shall pay him "*entierement, tous les gages promis*." This passage, in the Sea Laws, is rendered "all his wages as much as if he had performed the voyage." This is a free translation, but it gives the sense of the original ; and the regulation corresponds with the principle of the 13th. article of the laws of Oleron, by which an offending seaman, if tendering amends, is to be retained, and if discharged after such offer, is entitled to *full wages*, as if he had continued in the ship. The expression there is, "*aussi bon loyer comme s'il estoit venu audedans*".... "as good hire as if he had come in the ship," equivalent to *entierement, tous les gages promis*, in the third article of the laws of Wisbuy, and to *tous leurs loyers*, in the 20th. article of the laws of Oleron, applied to a contract by the *run*, when the voyage is abridged by the act of the owner or the master, in proceeding, with the ship, to some port nearer to the place of departure and destined return, than was stipulated in the contract. Other instances might be cited, where this meaning must be understood, but there are also many, in which expressions of this description must have a more restrained construction. Valin, in commenting on a royal ordinance of France, framed to determine a question relative to ships ordered to a certain station, and there to wait for convoy, recites it in the following terms ; "*la solde des gens des e'quipages seroit payée en plein du jour que les navires auroient mis à la voile, jusqu'au jour qu'ils auroient mouillé dans la rade du convoi ; que depuis qu'ils auroient mouillé jusqu'au jour de depart de la flotte, ils n'auroient que la demi—solde, & qu'apresle depart, la solde leur seroit continué en entier, pour le reste du voyage*".... "The wages of the crew shall be paid *in full* from the day of the vessels sailing to the day of their mooring in the road of the convoy ; from the time of their joining the convoy to the departure of the fleet, they shall have only half wages, and after the departure, their wages shall continue *in full* for the remainder of the voyage." It is here apparent that the phrases *en plein* and *en entier*, apply to the *rate of wages*, and that for the portions of the voyage specified, they shall be without deduction. A similar use of this expression we find, relative to another ordinance, that of 17th. October, 1748, respecting vessels waiting for convoy in the colonies. Speaking of the crew, he says, "*seront payés de leur salaries en entier, pendant le sejour que lesdits navires auront fait dans les desdites isles, jusqu'à concurrence du terme de six mois, et seulement de la moitié pour le temps excédent ledit terme*".... "They shall be paid their hire *in full* while said vessels shall remain at the aforesaid islands, for the term of six months, and half wages, only, for the time exceeding said term." Vol. II. 698.

The 11th. article of the ordinance of Louis XIV. relative to seamen's wages runs thus ; "*Le matelot qui sera blessé au service du navire, ou qui tombera malade pendant le voyage, sera payé de*

ses loyers et pansé aux depens du navire"....."A seaman who shall be wounded in the service of the ship, or who may fall sick during the voyage, shall be paid his wages, and be cured at the expense of the ship." As it relates to the wages of the sick seaman, this corresponds with the 7th. article of the laws of Oleron. The words *tout comptant*, or terms equivalent, are not, indeed, inserted; but both *Valin* and *Pothier* understand the meaning to be the same as if it included such expressions. The latter writer, in commenting on this article, observes, "Le matelot tombé malade ou blessé au service due navire, gagne *en entier* son loyer, non seulement lorsqu'il est resté dans le navire, mais même, dans le cas auquel ayant été mis à terre, dans un port, ou le navire a relâché, il y auroit été laissé, s'étant trouvé hors d'état d'être rembarqué, lorsque le navire est reparti"....."The seaman who may become sick or wounded, in the service of the ship, is entitled to his wages *in full* not only while remaining on board the ship, but also if he should be put on shore in a port where the ship may have stopped, and should be there left, on account of his being unable to return on board the ship, at the time of her departure." [Louage des matelots, sect. 2.] It is here apparent that the phrase *en entier*, which must be admitted to be equally forcible with the words *tout comptant*, is applied, by this very accurate writer, to express nothing more, than that there shall be no deduction for sickness, or for absence from the ship, from that cause.

It may be said, that the commentator, in giving this construction to the article, had in view a subsequent article, of the same ordinance, article 13th. which directs, that the heirs of a seaman engaged by the month, and who may die during the voyage, shall be paid his wages to the day of his decease. But the 11th. article in general, and its provisions in favour of a sick seaman, apply not merely to those engaged by the month, but to those engaged on other terms. Further, it is evident, from *Pothier's* comment on the 13th. article, that his conceptions of the dispositions made by the 11th. article, were formed on distinct grounds, and instead of having a prospective view to the 13th. article, while discussing the 11th. he founds the application of the 13th. article, relative to heirs, on the provisions made by the 11th. article, relative to the sick seaman while alive. The heirs, he says, shall, of course, have the wages accruing during sickness, and the disposition of this article is but an exact consequence of article 11th. "La disposition de cet article n'est qu'une consequence exact de l' article 11th." [Louage des matelots, sect. 2.]

In this there is, to my apprehension, a perfect correspondence between *Pothier* and *Valin*. The latter writer, commenting on the 13th. article, which relates wholly to what the heirs shall recover, commences his remarks by stating, what the deceased seaman had acquired. "Le matelot ayant gagné ses loyers jusqu'à son décès arrivé pendant le voyage, et cela, aussi bien durant le temps de la maladie que pendant celui qu'il a rendu un service effectif au navire, il est bien juste qu'ils passent à sa veuve et heretiers." "The seaman having earned his wages to the time of his death, happening.

during the voyage, as well during his sickness, as for the time when he rendered actual service on board the ship, it is just that they should go to his widow and heirs."

In this passage, Valin evidently has reference to the 11th. article. In his comment, on that article, he denominates the disposition which it makes relative to wages of a sick seaman, as a right to wages *en plein*; an expression which must be understood, as it is used by Pothier, in this connexion, to intend, merely, that there shall be no diminution of wages on account of sickness.

It is to be understood, that I do not consider the dispositions made by the articles of this ordinance, as an authoritative settlement of the question; though they are most explicit in their terms. I only resort to them and to the commentators above mentioned, with a view to a right understanding of the phraseology employed in the articles of the laws of Oleron, Wisbuy, and the Hanse Towns, all of which are given in the French language by *Cleirac*, and from whose work the received English translation appears to have been made. From this examination, I am satisfied, that the terms *tout comptant*, *en entier*, or *entierement*, as applied to wages, do not, necessarily, mean wages for the whole voyage; that they admit of a different and more limited application, according to circumstances, and that the true meaning, in the respective instances, in which they are employed, must be determined from the subject matter and the connexion. / *Noscitur ex sociis*.

I may further add, that it is not unfrequent, where the meaning might be otherwise equivocal, to add expressions, which render the sense perfectly certain, such as "comme s'il avoit servi tout le voyage," or the like. Applying these views of the language of the law, which we are considering, to the 7th. article of the laws of Oleron, and to the correspondent articles in the laws of Wisbuy and of the Hanse Towns, I cannot find, that those articles either express or intend, that the heirs of a seaman dying in the course of the voyage, shall recover wages in his right, as if he had lived and served out the voyage. The object of all those articles is to make suitable dispositions relative to seamen falling sick on a voyage. They direct how they shall be treated, and what shall be the results as respects their wages, in case of recovery, or of death. The expression, *tout comptant*, in my apprehension, means nothing more, than that there shall be no deduction on account of sickness, either as against the seaman himself, if he recover and claim his wages, or against his heirs in case of his decease. Two interesting points were established, by these articles, both wisely and humanely calculated to sooth the sorrows of the sick, or disabled mariner; that his calamity, if not produced by his own criminality or fault, should not diminish his stipulated wages, during the existence of his disability, or his necessary absence from the service of the ship from that cause; and, that in case of his death, all that was due to him should descend to his heirs. Both these provisions seem so perfectly reasonable, that, it may at first view appear, that a formal article, could hardly be necessary to enforce them, and we may, on this ground, be induced to apprehend that something more

was intended. But the first point is, even now, occasionally questioned by ship owners and masters, and, we may easily satisfy ourselves, that, it then appeared necessary that both should be declared. The application of the Roman law *de locatione et conductione*, to which Pothier expressly refers, for a construction of the contract of hiring of labour, in general, and for the hire of seamen, in particular, would exclude a claim for compensation, during the disability of the servant or labourer. But, as generous masters, says this esteemed commentator, will not insist on a strict enforcement of their rights, but continue the compensation of a sick servant, notwithstanding his disability to perform his stipulated services, so the law marine in relation to mariners converts into an obligation, what in other instances of hire, is the result of benevolence. The object of the law, he adds, is, for the encouragement of seamen, and as a compensation for the risk which they run, of an entire loss of wages, from inevitable accidents occurring to the ship, or from a destruction of the voyage. *Louage des matelots.*

Doubts derived from the rules of law relative to entirety of contracts, and perhaps also some principles of the law *de societate*, might have rendered necessary the express declaration, in favour of heirs, that is made by the articles under consideration. A similar provision was made by the *Consolato del Mare*, and we learn from Cleirac, that it was the express object of an ancient ordinance of France, to declare such right of succession in favour of the heirs of mariners, dying on the voyage. "Si le marinier meurt a voyage, les ordonnances de France conservent ses biens à ses heretiers en termes generaux, sans parler precisement, comme fait ce jugement, des loyers ou gages meritez ou à meriter." "If a mariner die on the voyage, the ordinances of France preserve his property to his heirs, in general terms, without specifying, as this article does, wages earned or to be earned." *Cleir. 34. on art. 7. of laws of Oleron.*

It is not necessary, therefore, in order to satisfy the expressions in the laws of Oleron, and in the other ancient marine codes, to consider them, as giving to heirs of a mariner, dying on the voyage, the same amount of wages, as the deceased would have received, if he had lived until the termination of the voyage. I admit, indeed, that the phrase *tout comptant*, in the laws of Oleron, is to be understood to apply to the heirs as well as to the seaman, as the word *entierement* is, in the laws of the Hanse Towns, and, that these terms are well enough rendered, by the expression *full wages*. Still it remains to be determined, what is the precise import of these expressions, used in this connexion.

The apparent or plausible ground, on which a diminution of wages may be claimed, by a master, against a seaman, being, in any case, suggested, will enable us to determine in what sense, the words *en entier* or *entierement*, are to be understood. When a seaman is discharged without good cause, no question could occur to any reasonable mind, relative to his earnings to the time of his discharge. Whatever doubt might arise, in regard to his claim for wages, would respect the remainder of the voyage, from which he was

wrongfully expelled. In such a case, therefore, we must understand, the term *entierement*, in the third article of the laws of Wisbuy, to intend wages for the whole voyage. But in the cases supposed by the 7th. article of the laws of Oleron, the only ground, which could be suggested for a subtraction of wages, is the sickness and disability of the mariner; and when it is said, he shall, notwithstanding, receive his wages *tout comptant*, it is apparent, that nothing more is intended, than that no deduction shall be made on that account. An application of this construction, to the different cases, that might occur, will test its solidity.

1st. With regard to the seaman himself. If he recover, says the law, he is to have his wages *tout comptant*. If, after such recovery, he rejoin the ship, before the completion of the voyage, his right to wages *tout comptant*, or to full wages, must, in such a case, evidently mean, that no diminution shall be required on account of his non performance of duty or absence from the ship by reason of sickness. His claim to wages, for the residue of the voyage, will depend on future services and circumstances and not on the provisions made by the law relative to the operation of his sickness. A like construction of the article must, I apprehend, be given, if a seaman, who may be left abroad sick, should recover and return home, before the arrival of the ship, and the ship should afterward arrive in safety. If the sickness be supposed to be of such continuance, that he be not able to return to the ship during the voyage, but he survives the prosperous termination of the voyage and returns home after the arrival of the vessel; he shall in like manner, by the articles cited, have wages *tout comptant*, or *entierement*, or *full wages*. The wages in this case, would, indeed, be for the whole voyage; but the force and meaning of those operative expressions are the same as before. He shall receive wages for the whole voyage, not because *tout comptant*, *entierement*, or *full wages*, necessarily and exclusively mean wages for the whole voyage; but because, as in the other case, they protect him from a deduction from his wages on account of sickness, and the sickness or disability, which entitled him to indulgence, is supposed to have continued until the termination of the voyage.

2d. In regard to the *heirs* of such *deceased seaman*. I understand the same expressions, by fair implication, to extend to them, but in the same sense. If the sick seaman survive the prosperous termination of the voyage, and afterward die, without having recovered his wages, his heirs shall recover them *entierement*, or *tout comptant*. But, in this case, the same remarks are applicable, which have been suggested relative to a demand for wages by the seaman himself, after such conclusion of the voyage; and, for the same reason, the meaning of the terms *entierement* or *tout comptant*, remains, in this case, equally unchanged. The right to wages, in such a case, for the whole voyage, results not from the mere force of those terms, but from this concurrent, essential fact, the continuance of the disability or absence from that cause, commensurate with the voyage.

The death of the seaman, before the termination of the voyage, presents a case involving the very point in question. In such case,

also, the heirs shall receive the wages *entierement* or *tout comptant*. But we ought to understand those terms, in the same sense as they are evidently to be understood, in the preceding cases. If we construe them as giving to the heirs the wages, for the residue of the voyage, we, in fact, change their meaning, or include an idea not implied in those terms, in the other cases supposed. This would appear to me an inadmissible mode of construction, as the subject matter, to which the terms are applicable, is unchanged. In the case of a seaman wrongfully dismissed from a ship, his connexion with the ship is dissolved by the mere injurious act of the master. This act gives to the seaman an immediate right to wages for the whole voyage, subject, indeed, to contingencies which may defeat the voyage and of course his claim. But the object of the provisions relative to disability was not to give a new right to the seaman, in consequence of his falling sick, but to protect him from loss. I am satisfied, therefore, that the expressions referred to, must, in case of death during the voyage, be understood in the same sense as in the other cases, and that they mean nothing more than a security against any diminution of the wages, on account of sickness.

In this manner, it appears to me, these articles were understood by the commentators ; and I find no intimation, either in *Cleirac* or *Valin*, that they considered the heirs entitled to wages by these articles, beyond the death of the seaman, whom they might represent. *Cleirac*, under the 7th. article of the laws of Oleron, mentions the ordinances of Charles V. giving to the widow or heirs of a seaman, dying on the outward voyage, one half the wages agreed for, and, if dying on the homeward voyage, the whole wages. He remarks the correspondence of this provision with the dispositions made by the *Consolato del Mare*, which also provides, that the heirs of a seaman, who was engaged by the month, shall be paid according to the time that he may have served. He then proceeds to notice a more favourable provision for widows and heirs of deceased seamen in ships of war, on long voyages ; that, if a man should die, on the first day after the commencement of the voyage, his heirs should be paid for the whole voyage. "Ses heretiers seront payés pour tout le long du voyage." If *Cleirac*, intended to compare this generous provision with the disposition made by the laws of Oleron, he could not denominate it, *more favourable*, on the construction contended for by the libellant's counsel in this case ; for, on such construction, the provision by the 7th. article of those laws, would be, in fact, the same as is noted by *Cleirac*, to have been observed on board ships of war. But if he is to be understood as making a comparison with the regulations of Charles V. and of the *Consolato del Mare*, previously mentioned in his note, it would still appear unaccountable, why this instance of such generous provision should be alone selected, and that he should be silent as to a like disposition, made by the very article on which he was commenting, according to the construction contended for by the counsel for the libellant. The strongest aspect in *Cleirac*, in another direction, is in the expression, "loyers ou gages *meritez* ou à *meriter*," in the note above quoted. But I understand the word *meritez*

to refer to the wages earned while the mariner was performing service, and *a meriter*, not to have reference to any supposed accruing of wages after death, but to those earned or considered as earned during sickness and disability, or absence from the ship from such causes.

Valin, it is well known, is copious and minute; and abounds in references to the laws of Oleron, Wisbuy, and the Hanse Towns, and to Cleirac's commentary. I cannot find, in his ample and very valuable work, any recognition of the doctrine, that by the laws of Oleron, Wisbuy, or the Hanse Towns, the heirs of seamen dying on the voyage, should recover wages, as if such seaman had served out the voyage.

The 15th. article of the ordinance of Louis XIV. provides, that the wages of a seaman, killed in defending a ship shall be paid in full as if he had served the whole voyage, provided the ship arrive in safety. We should expect the commentator, under this article, to remark its correspondence with the laws of Oleron, Wisbuy, and the Hanse Towns, relative to seamen dying from any other cause, if, in his opinion, those laws were to be thus understood. On such extended construction, also, of the 7th. article of the laws of Oleron, we should expect the commentator to notice its repugnancy to the 11th. article of the ordinance of Louis XIV. We find no such intimation; but from a careful inspection of his comments, particularly on articles 11th. 13th. and 14th. I am satisfied, that this able writer did not understand the laws of Oleron, Wisbuy, and the Hanse Towns, as giving a claim to wages beyond the death of the mariner. It should be observed also, that if the 7th. article of the laws of Oleron, did, in true or received construction, give full wages for the whole voyage, *in all cases of death, on the voyage*, without fault on the part of the mariner, there could be no necessity, as those laws constituted a portion of the marine law of France, to make the special and exclusive provision of that nature, for a seaman killed in defending the ship, as is done by the 15th. article of the ordinance of Louis XIV.

It is material in the next place to inquire, how these ancient marine codes have been generally understood in the countries originating them. I can find no evidence, that they have, in any European country, been applied in the sense contended for, in this case in support of the libellant's claim. It is well observed by Valin, that next to equity in a law, are its perspicuity and brevity. The 7th. article of the laws of Oleron and the correspondent articles in the other ordinances, are sufficiently brief. They are not remarkable for perspicuity, and, on the construction contended for, in support of the present claim, would not be equitable. There would result one fixed, invariable rule, in case of the death of a seaman, during the voyage, whatever might be the nature of the engagement, whether by the month, for the voyage, part, profit, or freight. If there had been no other resource, some tolerable system might, by a course of decisions, have been founded on the basis of this article, relative to the cases of death of mariners during the voyage; but it does not appear that the law upon this subject has been

extracted from this source, excepting so far as relates to the operation on wages of sickness, and disability of a seaman. The fact is, that exact and definite provisions, reasonably accommodated to the necessary diversity of occurrences, had before been established by an excellent and venerable code, originating among a very intelligent and highly commercial people. I refer to the *Consolato del Mare*; the 127th. article of which expressly provides, that the heirs of a seaman, engaged by the month, and dying on the voyage, shall be paid his wages for the time of his service. *Se il marinaro è accordato a mesi, et morirà, sia pagato, et dato alli suoi heredi per quello, che havessi servito.* The preceding article directs, that if the engagement be by the voyage, half or the whole shall be received by the heirs according to the period of the voyage in which the death should occur.*

These articles of the *Consolato* are quoted by *Cleirac*; and from the manner in which *Valin* refers to them, and to *Cleirac's* quotation, I understand him to mean, that they constituted a portion of the received marine law of France, on this subject.

I have no means of information, of the application of the laws of *Wisbuy*, in this particular, in the countries, where they may be supposed to have had special influence or authority. In determining on the application of the laws of the *Hanse Towns*, it would have been satisfactory, to have consulted *Kuricke's* commentary on the advised code of those laws, of 1614. This work I have not been able to find; but in "*the Ship and Sea Laws, of Hamburg*" as contained in *Herman Langenbeck's* treatise, published A. D. 1727, there appears to be an affirmance of the law of *Oleron*, as to the manner in which a seaman, falling sick on the voyage, shall be treated; and, if he dies on the outward passage, the heirs are to have half his wages and privilege, if on the return voyage, the whole; deducting the expenses of interment. In this principal city, therefore, of the *Hanseatick confederacy*, we find an express partial adoption of the provisions, made by the *Consolato*, on this subject, with this only difference, that the *Hamburg* law, makes the same provision, whether, the contract be for the month or for the voyage, which the *Consolato* distinguishes. It is observable, that we do not find, in *Langenbeck's* commentary, any intimation, that, by the laws of the *Hanse Towns*, the heirs of a seaman, dying on the voyage, would be entitled to the whole sum, which such seaman would have

* There is a diversity, in the different editions of this work, in the numbers of the chapters. The edition here quoted is that of *Leyden*; printed in 1704. In *Cleirac's* commentary, the chapter here referred to as the 127th. is quoted as the 130th. *Valin* cites it by double numbers. The *Consolato del Mare* contains precise regulations on several topicks, not contained, or only incidentally mentioned, in the laws of *Oleron*, of *Wisbuy*, or of the *Hanse Towns*. It is to be regretted that a work, so comprehensive and valuable, should be so rare, and it appears surprising that an English translation of this venerable code has never yet appeared. A French translation, with commentaries and dissertations of much promise, has recently been announced. [Anthology, for February last.] It may be hoped, that this example will be duly emulated, and that a long time will not elapse, before our *Bibliotheca Legum* shall present this valuable work, in our own language.

earned, if he had lived to the end of the voyage. Such a disposition would have been materially different from that made by the 30th. article of the Hamburg laws, on which he was commenting, and if such diversity, in true construction, really existed, we must suppose it would have been noticed. The Hamburg regulations disregard the distinction that is made by the *Consolato del Mare*, between an engagement by the month, or for the voyage, as respects the amount of wages, to be paid, in case of death of a seaman during a voyage. The discrimination, made by the *Consolato*, is adapted by the Ordinance of Louis XIV. and, it is believed, was the previous maritime law of that country, by tacit adoption of that provision in the *Consolato*. Pothier suggests a reason for the distinction. The seaman, who is engaged by the month, does not sustain the risk of calms, contrary winds and other impediments, which may prolong the voyage; however protracted, if not interrupted, or broken, so as to defeat a claim for wages, they are commensurate with the length of the voyage. Whereas one engaged for the voyage, runs the risk of an inadequate compensation for his services, by an accidental protraction of the voyage, beyond the term contemplated as the measure of his reward, when the contract was made. On this ground, says Pothier, the Ordinance proceeds, corresponding in this particular, with the *Consolato del Mare*, and, as a compensation for the different risks, is the distinction made. [Louage des Matelots.]

I proceed to inquire, how the law, on this subject, has been considered and received in *England*; a question, for obvious reasons, of material importance. The rules and proceedings in maritime matters, in that country, became ours, by express adoption, in the first New England colony. (Plymouth Colony Laws, 48.) and the law on this subject, as understood and practised in that country, before our revolution, may be considered as making a portion of our law, unless, some other express provision, adverse decisions, or contrary received usages, either before or since the revolution, should have effected an alteration.

The foreign ordinances, on maritime affairs, have not the binding force or authority of law in England, not even the law of Oleron, to which that nation have long been, and still are, particularly partial. The extent of the adoption of any article of those laws, in that country, and the sense in which they are received, can only be learned from the decisions of their courts, and the approved treatises of their eminent juridical writers.

To Godolphin's "View of the Admiral Jurisdiction" there is annexed an appendix containing a translation of the laws of Oleron, with notes and observations. That part of the 7th. article, which is relied on in this case, is thus rendered. "He ought to have his full wages or competent hire, rebating or deducting only such charges as the master hath been at for him, and, if he dies, his wife or next of kin to have it." To this is added the following note; "Executors of a deceased mariner, ought to receive the wages due to him."

I would here make the same remark as I have before suggested relative to the translation given in the "Sea Laws."

I do not introduce the translation, inserted in that appendix, from a respect to its general correctness, for there are some palpable and some whimsical errors.* But the translation, given in the treatise, of the 7th. article of the laws of *Oleron*, with the note, subjoined, appear to me to evince. that this learned civilian did not receive the article in a sense, which would support the present claim. Molloy, in referring to the articles of the laws of *Oleron*, copies the provisions relative to the seaman's right to wages, if he recover from his sickness, but altogether omits the provision respecting the heirs. He inserts the substance of that article of the *Rhodian law*, which subjects the master to the payment of a years hire, to the heirs of a mariner, drowned in consequence of insufficient tackling. In both these instances, if it were part of the marine law, as received in that country, that in case of a seaman dying on the voyage, his heirs were entitled to recover wages as if he had lived and performed the voyage, it was certainly, a strange and culpable omission not to insert or to intimate it, in an elaborate treatise "de Jure Maritimo." But my opinion, on this part of the subject, does not altogether rest, on omissions of this sort. Later and more accurate English writers than Molloy, are very clear and express on this point. Abbot considers the construction of the foreign ordinances as doubtful. In the English law books, he says, there is no general decision on the subject; but refers to a case (*Cutter v. Powell*. 6. Term. Rep. 320.) in which, he says, it seems to have been admitted, that the representatives of a seaman, hired by the month, would be entitled to a proportion of wages to the time of the death. In a late respectable work, Abbot's statement is confirmed, by observations altogether similar. Comyns on contracts, 377. An inspection of authorities on this subject, as well as a respect for the accuracy of the writers of those digests, has satisfied me, that it is not, and never has been, the received law in England, either in the courts of common law or admiralty, that the heirs of a seaman, hired by the month, and who may have died in the course of a voyage, are entitled to recover wages, as if the mariner had lived and served out the voyage. In the case *Chandler vs. Grieves*. 2.

* A remark of this sort may seem to require verification. Two instances, only, will be mentioned in this place. Art. 14th. "*Oster la toïaille trois fois*" is understood, in this translation, to mean *three times lifting up the towel*, and it is thus copied into Molloy. The true meaning, *a denial of the mess three times*, is given in the *Sea Laws* and in other subsequent compilations.

Art. 9th. *Les mariniers doivent avoir un tonneau franc, et l'autre doit PARTIR AU JET*, is thus translated; "The mariners also, ought to have one tun free and another *decided by cast of the dice*." This rendering is followed in the *Sea Laws*, in Postlethwayt's Dictionary of Trade and Commerce, and in some later publications. It is evident from *Cleirac's* commentary, that the contribution to a Jettison, intended here to be directed, is not to be decided by *cast of the dice*. The seamen are to have one tun free, and the remainder of their *privilege* is to contribute its proportion. The article, says the commentator, "*ordonne pour les mariniers un tonneau franc en la contribution, et veut que la reste participe au jet*."

H. Bl. 606. on the motion for a new trial, the court obtained a certificate from the admiralty, of the law marine, relative to the right of a disabled seaman to wages. It was certified, that according to the usage of the admiralty, a seaman disabled in the course of his duty, was holden to be entitled to wages for the whole voyage, though he had not performed the whole. The result was, that the rule was discharged. The amount actually recovered in the case, was not to the conclusion of the voyage, though it has been frequently so stated even by English writers; but, the rule being discharged, judgment must have been according to the verdict, which, was only for wages to the time of the ships departure from Philadelphia, where the disabled seaman was left. It is admitted, however, that the principle, certified from the admiralty, and on which, it may be presumed, the court of common pleas proceeded in discharging the rule to shew cause, would authorize and require a recovery of wages, under the circumstances of that case, for the *whole voyage*; and such I have observed to be the just construction of the laws of Oleron and the other foreign ordinances. But we have no opinion from the admiralty, nor in the common law authorities, that wages are recoverable, after the death of a seaman, for the subsequent portion of the voyage; and it is observable, that such a position is not found to be maintained in argument, though, if correct, it would, certainly, forcibly apply in several cases reported in the books, "In the case of a mariner's dying in the course of the voyage" says a learned judge of the court of common pleas, "*it should seem that he is entitled to a proportionate part of his wages, unless he be excluded by the specifick terms of his contract.*" [Justice Heath, 3. Bos. & Gul. 425. Beale vs. Thomson.] An observation of this sort, from a learned judge of the court, and the dubious, qualified language of Abbot and Comyns, that a *pro rata* recovery of wages *seems to be admitted* in case of a death of a seaman on the voyage, who was hired by the month, indicate their views on this subject, and are inconsistent with the supposition that they considered the law as giving wages for the *whole voyage* in such case, or that such is the received law in England, on that subject.

In our own country, the law and usage appear to have been the same; in Massachusetts I may say, uniformly so.

We find indeed no decision. A demand of this description does not appear to have been made in legal shape, until since the late decision in Pennsylvania. The libellants counsel was apprised, that the court would hear evidence, of any usage in support of this claim. None has been offered, and it was frankly admitted, that the contrary usage had prevailed, with the exception above expressed.

The uniform usage, as alleged by the respondents, is satisfactorily maintained. To introduce a different rule, would, in my opinion, be to give a construction of the contract, not contemplated by either of the contracting parties, and not consonant to the law, on the subject, at the time when the contract was made. I perceive, in the report of the case determined in Pennsylvania, it is

intimated, that the extreme severity on ship owners, of the operation of the decisions in the district court, has produced a general practice of inserting a covenant in the shipping articles, that wages shall cease on the death of a seaman. The introduction of such provisions may be attended with difficulties, among a class of men, frequently uninstructed, attached to old forms and habits, and who may be jealous of an express stipulation, though, in reality, altogether consonant to a tacit construction, by which they had ever been governed. It would be injurious to require it, unless absolutely necessary. From my view of the law on this question, it does not appear to be requisite, unless it be to avoid controversy, on a subject, on which there is a diversity of sentiment. I regret this collision with opinions, which I highly respect. It was incumbent on me, under such circumstances, to weigh, with great deliberation, the grounds of a different persuasion; but such being my opinion, after thorough examination, I consider it a duty to declare it. I ought here to suggest the relief afforded to my mind, in regard to difficulties of this description, by an interlocutory opinion expressed by the Hon. Judge Cushing, at the last circuit court in this district, in the case of Oystead Admr. *vs.* the ship *Perseverance*, and by the consideration, that the decision now given, if erroneous, may be revised and corrected in a higher tribunal.

The examination which I have made of this subject, has led me to an affirmative conclusion on the following points.

1st. That, by general principles of law, on a contract of hire, no compensation can be claimed beyond the death of the party hired.

2d. That the laws of Oleron, of Wisbuy, or of the Hanse Towns, do not provide, that, in case of the death of a seaman on a voyage, wages are recoverable beyond the time of his death.

3d. That the intent of those ancient ordinances, in the articles relied on in this case, was to determine the effect and operation of sickness or disability, incurred in the service of the ship, during the voyage, and to provide for payment of wages, without *deduction on that account*, either to the seaman, if he recover his health, or to his heirs, in case of his death.

4th. That it does not appear, that those ordinances have, in those countries where they are peculiarly authoritative, been used and applied as entitling the heirs to wages, for any time subsequent to the death of a seaman.

5th. That approved commentators, such as Cleirac and Valin, do not establish the construction contended for in support of this claim.

6th. That the *Consolato del Mare*, a work of approved authority, in case of an engagement by the month, and death on the voyage, expressly limits the wages to be recovered by heirs, to the time of the death of the mariner.

7th. That the law marine has not been otherwise understood and received in England, but in regard to an engagement by the month, and death on the voyage, appears to be consonant to the *Consolato del Mare*.

8th. That in Massachusetts, the usage has uniformly been to make payment of wages, in such case, only to the time of the death of the seaman, and the law has been considered as consonant to the practice.

On these considerations, it is my opinion, that, the law maritime, which I am to administer, will not sustain a claim for wages, by the legal representatives of a seaman, beyond the time of his death, when the engagement was by the month.

In the present case, advances were made exceeding the amount of wages, due at the time of the seaman's death. I therefore decree, that the administrator take nothing by his libel.

It is understood that no costs are claimed.

(Signed)

JOHN DAVIS.
Dist. Judge, Massts. Dist.

SILVA, No. 52.

“ Ὑλη δὲ σπεῖς ἀμφοτέρωκει τηλεθωσα
Κληθεὶ τ' αἰγείρος τε καὶ εὐαδὴς κυπαρίσσοις
* * * * *

Ἄμφι δὲ λειμῶνες μαλακοὶ ἰοῦ καὶ σελίνου
Θηλεον Odys. V. 64.

Without the grot a various silvan scene
Appear'd around, and groves of living green;
Poplars and alders ever quiv'ring play'd,
And nodding cypress form'd a fragrant shade.
Where bloomy meads with vivid greens were crown'd,
And glowing violets threw odours round.

THEOCRITUS AND VIRGIL.

ALL the world knows that Virgil in his Eclogues is much indebted to Theocritus; that he owes to him the plan of several of them, and many particular beauties of expression. A French writer has called the Eclogues of Virgil a translation of Theocritus. In order to judge how much praise should be allowed the former for invention or imagination, and how much for skilful imitation, it may be well to compare them, and observe where the Mantuan has warbled with native melody, and where he has echoed the numbers of the Sicilian Muse.

The first Eclogue of Virgil, which has been generally esteemed his best, is exclusively his own. The plan of it was suggested by a real event in the poet's life, and the execution shows strong marks of genuine feeling. In beauty and delicacy of expression it yields to none of the others, and I cannot discover a single thought or phrase that is borrowed.

The second is borrowed from the third Idyll of Theocritus, entitled Amaryllis, and the imitation begins at the seventh verse ;

O crudelis Alexi ! nihil mea carmina curas :

The twenty third of Theocritus also resembles this in subject, though there is not so much imitation in the sentiments. There are also in this two or three imitations of the Cyclops, Idyll eleventh. The following is very exact.

Ειδ. xi. Κυκλωΐ v. 34—37.

Αλλ' αὐτός, τοῖστος εὖν, βοτὰ χίλια βοσκῶ,
Τυρός δ' εἰς λειπεί μ' οὐτ' ἐν θέρει, οὐτ' ἐν ὄπῳρῃ,
Οὐ χειμῶνος' ἀκρῶ.

Ec. 11. Alexis v. 19—22.

Despectus tibi sum, nec qui sim, quaeris, Alexi ;
Quam dives pecoris nivei, quam lactis abundans :
Mille meae Siculis errant in montibus agnae.
Lac mihi non aestate, novum non frigore desit.

Also compare v. 40 with Id. iii. 34. v. 61 with Id. xx. 33. v. with Id. 9. 31. v. 70 with Id. xi. 73.

The third and seventh of Virgil are of the Amoebaean kind, and in writing them he had in view the fourth, fifth, and eighth of Theocritus. In the third of Virgil the opening, Dic mihi, Damoeta, cujum pecus, &c. is a translation of the opening of the fourth Idyll ; the railing between the shepherds is from the beginning of the fifth ; the dispute concerning the prize from the eighth ; and the description of the bowl of Alcimedon from the first of Theocritus, and nearly half of the remainder is translated or closely imitated from the three Idylls mentioned above. In the seventh I have observed but little borrowed, except the general plan, which is that of the eighth Idyll ; the beginning, however, is the same with that of the sixth and third Idylls. At verse thirty eighth also is a fine imitation of the eleventh Idyll, v. 20.

Nerine Galatea, thymo mihi dulcior Hyblae,
Candidior cyenis, hederâ formosior albâ.

Ω λευκά Γαλατεία, τί τὸν φιλεῖντ' ἀποβαλλῇ ;
Λευκοτέρα πακτὰς ποτιδεῖν, ἀπαλωτέρα ἀρνός,
Μοσχῶ γαυροτέρα, φιαγώτερα σμυθᾶκος ὀμάς.

Like his model, Virgil has assigned the victory in the dispute to one of the combatants in the seventh Eclogue, though we can scarcely discover the reason. In the other it is left undecided.

For the elegant and noble Pollio, the fourth Eclogue, Virgil has no debt to acknowledge, as respects Theocritus. He is said to have taken some parts of it from the Sibylline oracles.

The plan of the fifth Eclogue bears a resemblance to the first of Theocritus, and something is taken from it in the beginning. That of the sixth is not much like any one of the Idylls ; it resembles that of the seventh most nearly.

The eighth of Virgil is in plan a combination of the eleventh and second of Theocritus, and is almost a translation of them. This is entitled *Pharmaceutria*; it is composed of two rather dissonant parts; the complaint of the shepherd Damon of the cruelty of his mistress, which is from the eleventh Idyll, and a magical invocation to induce his absent love to return to Alphesiboeus; this forms the subject of the second Idyll. The separation of these various subjects into two separate poems seems the most judicious arrangement. The parallel passages in this Eclogue are so numerous that it would be tiresome to point them out. One or two may be worth notice for their beauty.

Id. xi. v. 25—29.

Ηρασθην μὲν ἐγὼ γὰρ τεύους, κοῖρα, ἀνικα πρῶτον.
 Ἦνδ' εἰς ἐμὰ σὺν ματρὶ, θελοῖς' ὑακινθῖνα φύλλα
 Ἐξ ὄρεος δρεπάσθαι· ἐγὼ δ' ὄδον ἀγέμονευσον.

* * * * *

Ὡς ἰδ' ἐν, ὥς ἐμάνη, ὥς ἐς βαθύν αλλετ' ἐστάα.

Id. iii. 42.

Ecl. viii. 38—42.

Saepibus in nostris parvam te roscida mala,
 Dux ego vester eram, vidi cum matre legentem;
 Alter ab undecimo tum me jam ceperat annus,
 Jam fragilis poteram a terra contingere ramos.
 Ut vidi, ut perii, ut me malus abstulit error.

The ninth of Virgil is an imitation of the seventh Idyll. The plan however is a little different. In the latter, entitled *Θαλυσία* or the Feast of Harvest Home, the poet in the person of a shepherd relates his journey to attend this feast, and his meeting with Lycidas, and recites the songs they sung to amuse the way. In the former the two shepherds support a dialogue on their journey to Rome, and being in great distress from the loss of their estates, like Hudibras,

Cheer up themselves with ends of verse
 And sayings of philosophers.

Gallus, the tenth and last, is a close imitation of the latter part of the first of Theocritus. This has been considered as one of the most beautiful; several of its brightest beauties, however, are from the Sicilian master.

Id. xviii. V. 66.

Πα ποκ' ἀρ' ἡσθ' οὐκ Δαρνίς ἐτακeto, πα ποκὰ, νυμφαί;
 Ἡ κατὰ Πηνειῷ καλὰ τεμπεα, ἢ κατὰ Πινδῷ;
 Οὐ γὰρ δ' ἢ ποταμοῖο καλὸν ῥοὸν εἶχετ' Ἀναπῶ,
 Οὐδ' Αἰτνας σκοπῖαν, οὐδ' Ἀκίδος ἱερὸν ὕδωρ.

Ecl. x. v. 9.

Quae nemora, aut qui vos saltus habuere, puellae,
 Nāides indigno cum Gallus amore periret?
 Nam neque Parnasi vobis juga, nam neque Pindi
 Ulla moram fecere, neque Aoniae Aganippe.

It may not be displeasing to see the same passage in the *Lycidas* of Milton.

Where were ye, nymphs, when the remorseless deep
Closed o'er the head of your loved *Lycidas* ?
For neither were ye playing on the steep,
Where your old bards, the famous Druids, lie,
Nor on the shaggy top of *Mona* high,
Nor yet where *Deva* winds her wizard stream.

In this *Eclogue* the lines,

Atque utinam ex vobis unus vestrique fuisset,
Aut custos gregis, aut maturae vinitor uvae.

Are copied, in the opinion of Wakefield, from a Greek fragment by an uncertain author in the *Anthologia*, which I cannot refuse the reader the pleasure of seeing copied. Valckenaer supposes them to belong to Moschus.

Αἰθε πατήρ μ' ἐδίδαξε δασυτριχὰ μῆλα νομευεῖν·
Ὡσκειν, ὑποπτελεῖσι καθήμενος, ἢ ὑποπέτραις,
Συρίσδαν καλαμοῖσιν ἑμὰς τέρπεσκον ἀνίας.

Would that my sire, aware of ill,
Had taught my youth the shepherd's skill,
And rustick pipe to know ;
Then would its notes, at evening played
By lofty elm, or rocky shade,
Have charmed away my wo.

These then at last are the obligations that Virgil owes to his master. The first and fourth *Bucolics* are exclusively his own ; in the fifth and sixth he claims the principal merit ; but for all the rest he can only obtain the honour of an elegant translator. This is not said, however, to detract from his merit as a poet. When he was reproached for his imitations of the *Iliad*, he acknowledged the charge, and observed, "Why do not my detractors do the same ? It is easier to steal his club from Alcides, than a verse from Homer."

BEEF EATERS.

Such is the name given to the body guards of his Britannick Majesty. As they are universally stout men, it is vulgarly supposed that they derive the title from their attachment to beef. But this is a mistake. Beefeater is a corruption of *Beaufetteer*, a person who attends the beaufett, or sideboard.

COLUMBUS.

Every circumstance relating to this man, who may be called the greatest benefactor of the human race, is interesting. Dr. Belknap, whose works are no less known for their minute accuracy than for the neatness and purity of the style, has, in his biography

of Columbus, omitted a fact, which is worth recording in the Anthology. "He died at Valadolid," says the Dr. "on the twentieth day of May, 1506, in the fifty ninth year of his age ; and was buried in the cathedral of Seville, with this inscription on his tomb ;

A Castilla ya Leon
Nuevo Mundo dio Colon."

Antonio de Herrera, the historiographer of Spain, informs us, that "his body was conveyed to the monastery of the Carthusians at Sevil, and from thence to the city of Santo Domingo in Hispaniola, where it lies in the chancel of the cathedral." This cathedral, the oldest christian church in America, has been desecrated since the days of Herrera ; and when I was in it, a few years ago, was unworthy to be the depository of the remains of Columbus.

It is well known, that the Spanish part of the island of Hispaniola was ceded to France by the infamous treaty negotiated by the Prince of Peace in 1795. The degenerate Spaniards had still national pride sufficient to excite them to do justice to their former renown. A ship of the line and a frigate were sent to transport the bones of Columbus to the Havana, so that the new world yet contains the tomb of its discoverer. At this city a eulogy on that occasion was pronounced by an aged priest, in the presence of nearly an hundred thousand people.

What the American Biography calls the inscription on his tomb, was the motto of the admiral's arms. In Munoz's History of the New World, a late work written by command of the king of Spain, it is recorded, that Columbus was permitted to bear "the armorial ensigns of Castile and Leon in the two upper ; and in the two inferiour fields, dexter, Isles d'or, in azure billows ; sinister, his own arms : five anchors were afterwards added, as emblematick of the admiraltyship, with the motto :

A Castilla y á Leon
Nuevo mundo dio Colon."

Colon gave a new world to Castile and Leon.

FRENCH POETRY.

It is not surprising that French poetry should have but few English admirers. The last thing we learn to appreciate in the literature of a foreign nation is the works of its poets. So much of the charm of all poetry is included in the felicity of the expressions which the poet uses, that till our knowledge of the language is so intimate, that we can discern all the varieties and shades of meaning of its words, the delicacy of its phrase, and the graces of its constructions, we must be unable to relish some of the most refined beauties, which its poetry presents. No man, for instance, however exquisite his taste, is capable of relishing the curious felicity of Horace, merely because he knows Latin enough to make out the sense of his words,

Besides this there is another circumstance, which contributes to repulse an English taste, particularly in the higher walks of French poetry. It is not to be denied by the warmest of its admirers, that there is a continual attempt to keep up the style of sentiment to a strained and unnatural degree of elevation. There is a constant and fastidious dread of approaching the thoughts and feelings of common life, which destroys all genuine simplicity and tenderness. An offence against *bienséance* is a crime so unpardonable in the eye of a Frenchman, that any thing is preferable to hazarding it.

The severity of the laws of French poetry is also pleaded as an apology for some of its defects ; and it must in fairness therefore be admitted as an equally valid apology for some of our English prejudices. Voltaire in his *Discours sur la Tragédie*, addressed to Lord Bolingbroke, and prefixed to his *Brutus*, makes an enumeration of the disadvantages with which a French poet has to contend. There is one passage so uncommonly candid for a Frenchman, that I shall translate it. "That which filled me with the greatest alarm," says he, "in returning to my former career was the severity of our poetry and the slavery of rhyme. I regretted your enviable liberty of writing your tragedies in verse without rhyme ; of lengthening, and above all, contracting almost all your words ; of running one line into another ; and of creating, when you have need, new words, which are always adopted among you, when they are sonorous, intelligible and necessary. An English poet, said I, is a free man, who subjects his language to his genius ; a French poet is the slave of rhyme, obliged sometimes to make four verses to express a thought, which an Englishman can give in a single line. The English poet says all that he pleases ; the French poet says only what he can ; the one runs in a vast career ; the other walks with shackles in a narrow and slippery road."

After all however, when we have made all the necessary concessions for these and other disadvantages and defects of French poetry, I still believe that no one, who has read *Andromaque*, *Phédre*, *Polyeucte*, *Athalie* and *Zaire*, with the feelings with which they merit to be read, will deny to the French a capacity for the highest efforts of dramattick poetry.

AUSTRIA AND FRANCE.

The dogs of war are again let loose ; and, as the independence or slavery of continental Europe depends on the event of the present contest, it may not be uninteresting to inquire into the relative strength of the parties engaged.

France is unquestionably weaker than she was before the Spanish revolution. She is not only deprived of the treasures which she drew from South America, and of the Spanish troops, with which she recruited her armies, but has lost a considerable portion of her best soldiers in attempting the subjugation of the country, and must keep up a large force to retain and extend her conquests.

Her means of annoyance on the ocean are also considerably diminished, as, since the capture of Martinique, she has not a single port in the West Indies open to her, Guadaloupe excepted.

The defeat of Austria must terminate in her annihilation. Of this she must be sensible, and consequently will make every exertion to secure victory. The Archduke, who commands her armies, is idolized by his soldiers, and is inferior perhaps to no French general in the accomplishments requisite for a commander in chief. He is now, for the first time, permitted to follow the dictates of his own judgment, unshackled by an Aulick council, and no longer obnoxious to court intrigues. Hungary is also said to be well affected, and powerful levies may be raised in that warlike country. The part which Russia means to take is not yet known, nor can much dependence be placed on that versatile power. If she keeps aloof, it is not impossible for Austria to make a successful stand. That she should unite heartily with France, seems almost incredible, as it would be forging her own chains. From past events we have much to fear, but do not entirely despond. Unless Spain is abandoned, we do not believe that Napoleon can bring an overwhelming force against Austria. The following lines of Cowper are not inapplicable to this scourge of the human race.

“ But let eternal infamy pursue
The wretch, to nought but his ambition true,
Who, for the sake of filling with one blast
The post-horns of all Europe, lays her waste.
Think yourself stationed on a towering rock,
To see a people scattered like a flock,
Some royal mastiff panting at their heels,
With all the savage thirst a tiger feels.
Then view himself proclaimed in a gazette,
Chief monster that has plagued the nations yet;
The globe and sceptre in such hands misplaced,
Those ensigns of dominion, how disgraced !”

ELOQUENCE.

Pulchrum est bene facere reipublicae, et bene dicere haud absurdum est.

Sall. Bel. Cat.

“ As for teachers of rhetorick,” said an elegant writer of our own country about eight years ago, “ we are happily not yet encumbered with that species of literary beggary ;” and though by a singular coincidence he has himself been lately called to discharge that honourable office in our principal university, his name is almost the only one that disproves that observation. So rare are the teachers of rhetorick ; and the learners are not more numerous. Can it be supposed that the Americans are less gifted with the organs of speech ? That their lips are inactive, and their voices harsh ? It is said indeed that an American may always be distinguished from an Englishman by the greater slowness of his speaking. If this be true, I cannot suppose that it is occasioned by a torpor of the tongue or the palate, but by a superiour coolness of thought, and

delicacy in the choice of expression. There never was a country where eloquence had a better field for its display than the United States: from the town-meeting to the national congress, every mode of transacting business affords a theatre for the orator. It may be said, perhaps, parties are so completely organized, that all efforts of eloquence are totally idle and insignificant; that Demosthenes or Burke would not gain in our councils a single suffrage. Passing over the obvious idea, that an attention to this principle would have deprived these very lights of Oratory of their fame, and the world of their glorious productions, the correctness of the statement may be doubted. Are parties steadfast and immovable in a government like this? Do we not observe a continual fluctuation, "and that now to this side, now to that they nod?" And what produces these changes? A certain proportion is, no doubt, occasioned by the force of arguments operating on reason, or feeling, or interest, as stated by those of opposite opinion. That party then, whose champions are most gifted with the power of words, who are best able to enforce the considerations of principle, and to seize an advantage from circumstances, will generally, *caeteris paribus*, be most likely to obtain the ascendant. Perhaps there is even now an instance in our national legislature, where one man, by a slow, powerful, and impressive eloquence, has gained, if not votes, yet a strong reluctant influence over a body of political adversaries. This influence is natural and instinctive: men grant it to the orator as to the poet, and where their actions are to be the immediate consequences of their feeling, their actions prove the influence. If such are the effects of eloquence, it is a satisfaction to recollect the adage of antiquity, "*Nascitur poeta, orator fit.*" Sallust has observed, concerning the superiority of men to other animals, and the observation is very applicable to the superiority of one man over others, *Omnis homines qui sese student praestare caeteris (animalibus) summa ope niti decet ne vitam silentio transeant.*

PITT, FOX AND SHERIDAN.

How strongly were the characters of the two illustrious rival orators and statesmen marked in their last moments. Mr. Pitt seems to have been born a politician. Even from his earliest youth, none of the common passions which distract other men ever interfered to divert his attention. His whole time, his whole soul were occupied in the management of public affairs. At a period when most persons have hardly shaken off the boy, to personate the man, he managed the helm of state, and with the most unwearied assiduity, sustained a responsibility, which has generally been divided among the ablest statesmen. His last words, which discovered an agony of mind at the critical situation of Great Britain after the humiliation of Austria, by the short-campaign which commenced with the stupefaction of Mack, and finished with the bloody battle of Austerlitz, strongly shew "the ruling passion strong in death." *Oh, my country! In what a situation do I leave thee!*

Mr. Fox was not more different in person than in character. Abandoned to dissipation in his youth, and to a period long protracted, full of wit and gaiety, and fond of pleasure, he was the delight of his friends, and perhaps was more personally beloved than any man of his time. After the death of Mr. Pitt, from a long and arduous opposition, which was principally animated by his talents, he became first minister; death soon deprived him of the post, and though the reins of empire dropped from his hand at a momentous period for the state, he turned to his friends, and with his constant cheerful philosophy, said, *I die happy, but I pity you!*

Sheridan, who has survived them, though perhaps in publick a more consistent character than Mr. Fox, yet from his want of dignity in private life, has never held that relative situation which his talents with better conduct would have secured to him. He has always been an excessive bad partizan, because he never will go all lengths, but in opposing one side, will not accede to all the intentions of the other. It was remarked that Mr. Pitt was more inquiet and more attentive to him when he was speaking, than to Mr. Fox. He possesses the talent of saying things *that will stick*. His whole appearance, at this time, seems to denote a man in almost the last stage of decrepitude; excepting his eyes, in which there is a lustre and fire, that makes him appear as if his face was only a mask of bloated intemperance put on for the purpose of masquerade.

At his election for Westminster he had to experience every species of mortification and insult, and indeed his approach to the hustings on the first days was attended with such imminent danger, that a man without his well known intrepidity would have shrunk from the attempt. Yet his resolution, wit and good humour at length fairly vanquished an exasperated mob, who were hired to abuse him. Indeed it was a curious sight to see the vilest of the populace, the very dregs of Covent Garden and St. Giles's, loading with contumely him and Sir Samuel Hood. The gallant seaman, having lost his arm in a brilliant action a few weeks before, his wound being still green, stood for hours exposed to this clamour and outrage, to which he made no other return than occasionally taking off his hat to them with the arm he had left. Sheridan, when they would allow it, addressed them, and if he could obtain silence, was sure to calm them.

There was one fellow who made himself so conspicuous, that Sheridan used to call him his *broadfaced friend*. One day when silence was obtained, and he was going to address them, this fellow called out to him, "*Damn you, how came you to abandon the Carnatick question?*" "*Why, because I find it is in better hands. But what do you know about the Carnatick?*" The fellow, who had been instructed to say this, knew even less than some of the members who have slept soundly over this and other India questions many a night in St. Stephen's chapel, was completely at a loss, and acknowledged his utter ignorance of what it meant, by a hearty laugh, when the candidate went on with his address.

His pun on the remark of Obrien, at the previous election, when Earl Percy was chosen without opposition, *that three thousand of the electors of Westminster would vote for the Duke of Northumberland's porter, if he was put up*, may be cited as an instance of his happy faculty of allaying irritation by his good humoured wit. On being asked if he was of the same opinion, he said he thought his friend Obrien was wrong, "that they would not vote for the Duke of Northumberland's porter, but that they would for Mr. Whitbread's."

He has not lost his talents, for he is still capable of exerting them, but the exertion is seldom made. During the ministry of Mr. Fox, and when he was weakened by ill health, Sheridan very rarely came forward to assist him in the debate. At times, he seems nearly worn out, his appearance weak and decrepid, and it will be said he cannot last long; a few days after he will burst forth in a speech that will astonish even the House of Commons by its force and brilliancy.

PATERCULUS.

This elegant historian seems to be little known in this country, though his style, in my humble opinion, is superiour to that of Salust, Livy, or Tacitus. It has not the *antique* affectation of the first, the impure phraseology of the second, nor the studied stiffness of the third. It is free, gentlemanly, figurative and lucid. He prostituted his fine genius in praising Tiberius and Sejanus, which is an indelible stain on his moral character. The following quotation is a good specimen of his manner. Sub idem tempus, magis, quia volebant Romani, quicquid de Carthaginiensibus disceretur, credere, quàm quia credenda adferebantur, statuit senatus Carthaginem excidere. Ita eodem tempore P. Scipio Aemilianus, vir avitis P. Africani, paternisque L. Paulli virtutibus simillimus, omnibus belli ac togæ dotibus, ingenii ac studiorum eminentissimus seculi sui, qui nihil in vitâ nisi laudandum aut fecit, aut discit, ac sensit, aedilitatem petens, consul creatus est.

REMARKS ON ENGLISH TRANSLATIONS OF THE ROMAN POETS.

No. 5.

Elegia Græcos provocamus; ejus mihi tersus atque elegans maxime videtur auctor Tibullus. QUINT..

ELEGY, like almost every description of poetry, had its origin in Greece. Callimachus and Philetas are mentioned by Quintilian for their preeminence as writers of Elegy; the latter of whom is known to us, only from the testimony of the ancients.

It is acknowledged by Quintilian, that there are those who assign the highest station among the Latin elegiack poets to Propertius; but the moderns, in correspondence with the opinion of the author

of the Institutes, have generally manifested their preference for Tibullus, and denominated *him* the prince of elegiack poets.

M. Baillet attempts to discourage those who are wanting in sensibility, from perusing the writings of Tibullus; and directs them to better judges than themselves, for an estimate of the poet's character for genius, tenderness, and elegance. Many hard-hearted criticks might in this way be apalled, and tremble at the threshold, if they had not, in common with poets, the privilege of cherishing impressions derived from ideal objects, while they can look unmoved upon such as have a real existence. It is easy to conceive, that Tibullus, either at intervals of quiet in the camp, or amidst the shades of rural seclusion, might indulge his elegiack strains for Glycera or Delia, Neaera or Nemesis, with no less delicacy and warmth, and with greater freedom and variety of incident, were they the idols of his own imagination, than if they were such personages as his partiality might select in common life. But it is of no consequence for us to fix the degree in which he actually experienced those tender impressions, which appear to have been by turns the causes of his happiness and misery, nor the number of real persons, who were the objects of his affection, and the themes of his verse.

The character of his poetry has justly been considered more polished than that of any of his contemporaries, who engaged in the same kind of writing. There is in all his elegies a preeminent object, of which he does not lose sight; but as his life was considerably diversified, and a portion of it was spent as well in the camp as in country retirement, they are in some places relieved by the language of the soldier, and in others by descriptions of the delightful scenery and peaceful employments of pastoral life.

The fourth book of Tibullus, of which the panegyrick upon Messala composes the greater part, is inferiour to the preceding books; so much inferiour in neatness, harmony, and vigour, as to countenance the opinion, that it was a hasty production, published before it was prepared by the last corrections of the author.*

In 1720, was published an English translation of the Elegies of Tibullus, by Mr. Dart; accompanied with observations on the original design of elegiack verse, with the characters of the most celebrated Greek, Latin, and English elegiack poets;† which is called by a subsequent translator an inaccurate, harsh, and inelegant version.

Parts of Tibullus have been rendered into English by Willis, Temple, Pack, Prior, E. Rowe, and recently by Henley, in a work entitled *An Essay towards a new edition of Tibullus, with a translation and notes.*†

The version which chiefly claims our notice, is that of Grainger, first printed in 1759. Mr. G. like his favourite Tibullus, spent a portion of his life in the camp; in the capacity of a surgeon prob-

* This opinion is advanced by J. C. Scaliger, as quoted by Baillet in his *Jugemens des Savans*.

† See *Bibliographical Miscellany, or Supplement to the Bibliographical Dictionary*. Article Tibullus.

ably, instead of a soldier; for in his book we find the title M. D. appended to his name. But it seems that what they suffered or enjoyed in common in the field of Mars, was not the only foundation of the sympathy which the English poet felt for his author. If we may infer from his denial of a certain qualification in another, that he was favoured with it himself, he was in one very important particular prepared to represent Tibullus. Of Dart he remarks: "From the little tenderness transfused into his verses, it may be concluded, that he was an utter stranger to that passion, which gave rise to most of the elegies of Tibullus." This, however, is conjecture; and if, as it is probable, Dart was deficient in delicacy and correctness of taste, in whatever degree he might have felt the passion, which his successor denies that he experienced, though he had written verses from his first to his second childhood, such a process would never have made him a poet.

The Latin elegiack poets made choice of Hexameter and Pentameter in alternate succession; thinking this kind of verse best adapted to plaintive subjects. The English, as Hammond, Shenstone, and Gray, have adopted quatrain, or stanzas of four lines in alternate rhyme, for this species of writing. But, as in this stanza the sense naturally ends with the fourth line, Mr. G. despaired of being able to adhere to it, without doing violence to the original. Except in the first elegy therefore, for which he acknowledges himself indebted to Mr. P***, he has not departed from the common Iambick couplet.

There are parts of Tibullus, it is well known to those who read him in the original, that never ought to be translated. Mr. G's omission, or sexual metamorphosis of such parts, is not merely excusable; it is what delicacy positively demands. In a few instances, however, he has omitted short passages without such apology.

The first thing of much importance, that excites notice unfavourable to this version, is the arbitrary transposition of parts of the same elegy; sometimes without any warning to the reader; and generally without assigning any reasons to vindicate the change.

Unnecessary paraphrase, or the introduction of additional circumstances, springing from the author's own fancy, is a departure from the rules of translation. Examples of this are to be seen in the following passages.

At vos exiguo pecori furesque lupique
Pareite; de magno est praeda petenda grege. I. 1. 33.

My little flock, ye wolves, ye robbers spare,
Too mean a plunder to deserve your toil;
For wealthier herds *the nightly theft prepare;*
There seek a nobler prey, and richer spoil.

Pax aluit vites, et succos condidit uvae,
Funderet ut gnato testa paterna merum. I. 10. 49.

Peace plants the orchard and matures the vine,
And first gay-laughing pressed the ruddy wine;

The father quaffs, *deep quaff his joyous friends,*
Yet to his son a well-stored vault descends. I. 11. 63.

Huc veniat natalis avis, prolemque ministret,
Ludat et ante tuos turba novella pedes. II. 2. 21.

With happy sighs, *great power*, confirm our prayer,
With endless concord bless the married pair.
O grant, *dread genius*, that a numerous race
Of beauteous infants crown their fond embrace;
Their beauteous infants round thy feet shall play,
And keep with custom'd rites this happy day.

Any one who observes the repeated invocation, the multiplied epithets, and in general the want of compression in the English lines, will be able to account for this fruitful issue from the two parent lines.

Allusions to the customs and employments of a people in the times when the author wrote, especially if they give us a lively view of individual character, should be studiously preserved. The agreeable image impressed on the mind by the following lines, containing a description of a garrulous old woman, placed at her distaff, alike sedulous in her stories and her labour, entirely vanishes in the translation.

Haec tibi fabellas referat, positaque lucerna,
Deducat plena stamina longa colo. I. 3. 85.

Her tales of love your sorrowings will allay,
And, in my absence, make my Delia gay.

In the former part of this elegy, which was written when Tibullus was sick, and insulated from his friends, he says:

Non hic mihi mater,
Quae legat in moestos ossa perusta sinus. I. 3. 5.

It is rendered by Grainger,

No weeping mother's here to light my pyre;

which, though it alludes to one part of the funeral ceremony performed by the nearest relations, does not preserve what appears from this, and another passage in the second elegy of the third book, to have been also an office of the same persons; that is, the collecting of the bones, after the pyre was extinguished.

Several words used in this version, such as *must* for a certain sort of wine, and *lustrate* as a translation of the Latin verb *lustrare*, give an opportunity for this general remark; that a translator ought rather to have recourse to a periphrasis in the expression, where he cannot render one word by another equivalent word, than to leave it unintelligible or equivocal to those who are ignorant of the original language.

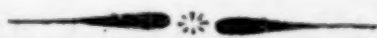
Mr. Grainger's translation, on the whole, is not undeserving of praise. Elegance is not its characteristick; but many passages might be selected, in which are combined harmonious versification, and fidelity to the author's meaning, with a considerable approximation to his manner. Others again are feeble and spiritless, overloaded

with epithets, and patched together by means of miserable expletives.

No common hand can do justice to the Elegies of Tibullus; for there are few who feel, or even think they feel that excess of passion, under the influence of which he wrote. Elègy is apostrophized by Ovid, as having in Tibullus lost her glory; and in the beautiful poem which the latter wrote on the death of his friend, that powerful personage, under whose melancholy dominion he is supposed to have lived, is introduced with his torch extinguished, his bow broken, and his quiver reversed:

*Eecce, puer Veneris fert eversamque pharetram,
Et fractos arcus, et sine luce facem.*

Hammond, though a close imitator of Tibullus, and in some instances a pretty exact translator, does not necessarily demand any notice in this essay. But I cannot forbear to repeat a remark, which in substance has been made before, that it is absurd for a modern to make love like a Greek or Roman. Whether we must ascribe the little interest which Hammond's Elegies excite, to a want of poetick fire, or to the error of his judgment in making Tibullus his model, it is unnecessary to decide. There certainly is an impotency in his language, which ill corresponds with that violence of passion, which, if we are to believe his own evidence, rankled in his breast. What sober modern would not think him a madman, who, like Hammond in his verses, should expostulate with the obstinate doors of his mistress, scatter his flowery wreaths around its posts, and talk to her of lighting his funeral pyre. No better care could be devised for one thus disordered, thus lost in the imagery and allusions of antiquity, than to array his person in the costume of a Roman, and expose him as a spectacle to excite the idle curiosity of mankind.



OBSERVATIONS ON SHAKESPEARE'S CHARACTER OF CASSIO.

SHOULD a person be described as "well bred, easy, sociable, good-natured; with abilities enough to make him agreeable, and useful, but not enough to excite the envy of his equals, or to alarm the jealousy of his superiours" (for so Mr. Tyrwhitt describes Cassio) one might rationally conclude such a character to be respectable. If to these qualities we had honour and fidelity, that his friend and general esteems him worthy of personal confidence as well as of official trust, that his enemy, who plots his ruin, allows him to possess a cultivated understanding, and theoretical, if not experimental, knowledge in his profession.....which he is far from obtruding on publick notice, but possesses with much modesty;.....our respect for him rises considerably. Superficial observation might be tempted to conclude such a character complete; for wherein is it defective? But Shakespeare knew, that certain virtues, to an eminent degree, are not inconsistent with failings that render them of little avail to the possessor. The imperfections attendant on the good

qualities of Cassio, is his inability to say, "No!" His want of the power of refusal. He knows sufficiently well his infirmity, is conscious of his weakness; yet is not proof against seduction. He yields to artifice, although his better powers of reason remonstrate against deviation from strict propriety. He is not naturally addicted to vice; but.....he suffers it.....he hesitates.....then endures it..... then adopts it.....till fascinated by its delusions, he sustains injury beyond remedy. He does not solicit vice, (*ex mero motu*) but he cannot resist entreaty; alone, he meditates no evil, but his company is his bane. Whoever has seen mankind, generally, has seen many who might stand as counterparts to Cassio; many who never originated harm themselves, but yielded to suggestions from others; many whom one false step has degraded below others really much worse than themselves; whose virtues, however excellent and amiable, were reduced to mere imbecility by their deficiency in the FORTITUDE OF REFUSAL necessary to sustain them.

Fortitude of mind is not a quality to be used merely on great occasions; when the fate of empires and kingdoms, of armies and communities, is at stake. It is a quality to be exerted not merely after the loss, or the gain, of a battle, after the ruin consequent on an earthquake, a conflagration, or a shipwreck. Occurrences so calamitous demand its noblest exertions; but the most useful station of this virtue is in the humbler walks of life, in casual events, in hourly occurrences, those lesser circumstances which are almost deprived of notice by the frequency of their return, we might say by their familiarity and their constancy. Every man cannot be a chief, a general, or a king; but every man may be called to exercise the same kind of talent in his private concerns, as may be required in kings, or generals, or chiefs, in publick matters. Though the object it respects be small, the sentiment of his mind may enoble it; though the occasion be not extraordinary, the principle is no less beneficial or distinguishing.

May it not be deemed an exception against the usual course of education, that a kind of fortitude adapted to meet the daily exigencies of human life, is not sufficiently instilled into youthful minds? A graceful manner of presenting, of accepting, of entreating, is taught; but who lays adequate stress on the very necessary art of denial? Who takes care to separate the harshness of the act, from the manner of it, and to inculcate the necessary *suaviter in modo* with the indispensable *fortiter in re*? It has been said of some, that "they made enemies even in conferring favours; whereas others made friends, while denying requests." Fortitude is neither churlishness nor severity; neither superciliousness nor insociability, neither haughtiness nor obstinacy. Perseverance, firmness, decision, vigour, promptitude, and frankness (principles of this virtue) are perfectly consistent with kindness, liberality, mildness, benevolence, dexterity, and address.

The balance of virtues and defects in the human mind was well understood by our immortal bard. Not one of his characters is free from human failings, not one of them is wholly absorbed in iniquity. The grossness of crime may excite execration, but it cannot

create interest; there must be a something to attract admiration, or the punishment of the criminal becomes an object of publick jurisprudence rather than of poetical justice. The character of Cassio is a remarkable instance of the combination of opposite qualities, and Shakespeare has drawn it in a manner that may well repay our investigation.

Iago, who gives nobody a good word, and whose villainous devices produce the perplexities of this drama, describes Cassio, in a mixture of scoffing and defamation, in conversation with his deluded associate Roderigo :

“ One Michael Cassio, a Florentine ;
Forsooth, a great arithmetician,
A fellow almost damn'd in a fair life,
That never set a squadron in the field,
Nor the division of a battle knows
More than a spinster ; unless the bookish theories.”

Notwithstanding these invidious insinuations, when Iago is alone, he acknowledges other sentiments, and these are the more impressive, as homage paid to integrity by knavery, and to courage by ferocity.

“ For I fear Cassio with my nightcap too.”

Nor is any part of Cassio's behaviour tinged with cowardice, or ignorance ; so that Desdemona does him but justice when entreating for him to her lord, she says.....

“Come, come,
You'll never meet a more sufficient man.”

It appears by the story that Cassio had been intrusted by Othello with the secret of his courtship ; and “ came a wooing with him, and many a time and oft had ta'en his part ; that he should therefore, at this period, possess a full share of the general's confidence and esteem is but natural ; yet the confidence was dangerous, in proportion as Othello was susceptible of jealousy, and capable of revenge ; in proportion as excess of affection, or of any other passion, is most likely to change to its contrary.

We learn, also, from Iago, that Cassio possesses a handsome person, and pleasing address :

“ Cassio's a proper man ;
He hath a person, and a smooth dispose
To be suspected ; fram'd to make women false.”

Iago persuades himself that these advantages are open to perversion ; he affects to believe that Cassio loves Desdemona ; he excites this “ proper man ” (though very covertly) to attempt that lady's honour, yet Cassio's integrity preserves him in happy and honest ignorance of the nature of the wiles employed by the iniquitous seducer. That he has his failings in this passion is true ; but we learn from the reproaches of his mistress that he does not suffer an unworthy connexion to domineer without control over his mind, or to influence his conduct, in absolute opposition to his duty.

There is an uniformity in virtue, which manifests itself in several instances ; it is the same virtue in each, though placed in different conjunctures, and seen in different lights. The same defect of virtue, too, usually runs through the whole deportment of an individual, and it is but rarely, that a simple, solitary failure marks the conduct of a man otherwise perfect. Cassio's fortitude fails in several instances ; first, in respect to his mistress Bianca, a connexion which his heart confesses is unfit to be avowed, an intimacy which he despises, when Iago challenges him respecting reports of his marriage to her ; he owns that it rendered him ridiculous "when in company with certain Venetians," he acknowledges the vexations he suffers from her "haunting him ;" yet he endures this thralldom in spite of his consciousness of its impropriety ; he continues to wear the yoke although he feels the severity with which it galls him. He cannot exert sufficient strength to escapefrom the bondage of iron fetters ?.....No ; from the captivity of the spider's web.

The second, and eventually the most important, instance of Cassio's failure in fortitude, appears in his yielding to the temptation of Iago to indulge in drink. This scene is treated by our unequalled dramatist, with uncommon powers ; it is capital throughout. The refusal of Cassio to the first proposal, his sense of his own weakness, his former craft "in qualifying his cup," and his ultimate assent....."I'll do't.....but it dislikes me," are all extremely natural ;.....nor is it less natural, that having transgressed the rules of temperance, he should proceed to excess, and from excess to unrestrained indulgence of "To the health of our general." But perhaps nothing in this drama, or in all Shakespeare, is more exquisitely natural, than that Cassio when drunk should intrude discourse on subjects from which sober reason shrinks, conscious of her incapability to investigate and treat them in a manner adequate to their depth and importance. Of the final appointments of Providence, and of the ultimate disposal of "souls," no man in his senses ever supposed himself competent to the determination ; no man in his senses ever dreamed of rank and quality as bestowing preeminence on occasions so awful. It is truly remarkable, that this propensity to introduce subjects certainly not of their level, is but too frequent among those whose weakness it is to be vanquished by liquor. Combined with this propensity, the idea of the soldier, though drunk, retaining sentiments of place and priority, the effect of discipline and habit, is among our poet's most happy touches ; he contrives too to preserve an esteem mingled with pity for Cassio, by his half consciousness, half self-condemnation, in spite of his intoxication ; "I hold him unworthy of his place, who does these things." Such is the force of habit ! such are the struggling alternations of vice and conscience, in minds not abandoned to guilt, though occasionally guilty ; not totally depraved, though occasionally overcome by temptation.

That Cassio when drunk should quarrel, that in his broil he should distinguish neither friend nor foe, but fight against his late companion Montano as readily as against the impertinent Roderigo,

is but too correct a picture of men and manners ; whether it be equally correct, that “ the devil Drunkenness should give place to the devil Wrath,” may be doubted. Cassio’s reflections on his drunkenness are, perhaps, too good to be so suddenly expressed. His scheme for restoration to his office, by means of Desdemona, is extremely plausible, and success by means of it appears to be almost infallible.

Whether we may not reckon as a third instance of deficient fortitude in Cassio, his sudden retiring from Desdemona when Othello visits her, I will not determine. It seems, however, to be strictly analogous to the general conformation of his mind. Had he sustained at this time in private the weight of the general’s reprimand and displeasure, he had softened his severity against succeeding interviews.

The poet has contrived with admirable address, that Cassio should be assaulted, and wounded, while returning from the house of Bianca ; and at no great distance from it ; it serves at once as a pretence to Iago to transfer his guilt to Bianca, and to increase his hypocrisy, by artful reflections, “ this is the fruit of whoring !” beside which, the very narrow escape of Cassio with his life, and his actual sufferings, are calculated to invigorate his most vigilant resolution in future.

Cassio’s explanation of circumstances before Othello, is well conducted ; and his concluding sentiment, as respectful to his friend, is conformable to his general manners. Far from reflecting on Othello as deserving of death, he regrets his suicide :

“ This did I fear....but thought he had no weapon.....
For he was great of heart.”

We are not therefore disposed to arraign the choice of the senate in their deputing Cassio to succeed Othello, as governour ; nor do we with reluctance hear that “ Cassio rules in Cyprus ;” for after such severe chastisement, in punishment of inebriety, we may well presume that as the future governour he will be more wary, and as the future man more circumspect. He will be extremely cautious of transgressing by inebriety, who when last in that condition was tempted to sudden wrath.....to wrath equally vented to friend and foe ;.....whose misconduct was punished by the loss of his place and office, by the necessity of humble solicitation to be restored, and by conscious guilt, which forbade him from looking his superior in the face ;.....whose indiscretion contributed to promote the purposes of villainy ; of villainy, which fathered upon him designs he never imagined, and rendered him the fatal occasion of depriving those he loved of peace, of happiness, and of life. The man thus punished, must be inexcusable, if he suffer his weakness to vanquish him again, even had he not had that narrow escape for his life, which Cassio had experienced so lately.

In another of his plays, Shakespeare has the exclamation, “ Is it possible he should know what he is, yet be what he is ?” The character of Cassio is a proof that much self knowledge (the effect of mental strength) may consist with much wavering of resolution

(the effect of mental weakness.) We learn also, that to act in contradiction to the free feelings of the mind is not likely to be advantageous or fortunate; that enjoyments, which in moderation are innocent, are rendered injurious by excess; and that, however it may be comparatively easy to maintain a good character....to regain it when lost, or to reestablish it when impaired, is extremely difficult. But chiefly, we learn the necessity of that steady fortitude of mind, that close adherence to principles, that determined attachment to what is right and becoming (may we not also say of that inflexibility toward what is hazardous?) which, like an anchor to the mind, preserves it against the turbulence of tempest, against the dangers of quicksands and rocks. Goodnature is a quality amiable in the highest degree; but when indulged at the expense of rectitude, goodnature becomes an occasion of misery. Sociality is congenial to a liberal mind; convivial intercourse and mirth too have their time and place; yet these must submit to the dictates of propriety, and be regulated by the duties of character and station;

"What! in a town of war,
Yet wild, the people's hearts brimful of fear,
To manage private and domestick quarrel,
In night, and on the court of guard and safety?
'Tis monstrous."

FOR THE ANTHOLOGY.

ON GREEK LITERATURE.

[Continued from page 313.]

PHYSICAL influences are muses as much as any. *The characters and lives of men are often decided by the impressions which they receive in their youth, among the scenes of their nativity. The Genius of Place performs his functions in the mind with the same steadiness, vigour and durability, with which Nature performs hers in the oak. On the plains of Attica and Boeotia, and on the frontiers of the Peloponnesus, how could the Greeks help remembering their fathers! There is a virtue in the memory of the hero, which survives him, and saves the city. So there is a virtue in the memory of the hero which immortalizes the historian, the orator, and the poet; because the literary mind is formed to be deeply affected by every thing great, and peculiarly so when it is constantly in the habit of receiving its perceptions of magnanimity from the scenes where it was exercised.

*Οὐ μικρὸν συνδιαφέρει τὸ ὕψος ἢ ὕψους εὐδους ἐκ νεῶν ἐδιδραδαί, ἀλλ' ἰταμὸν πολὺ μᾶλλον δετοπαί. Arist. L. 2. Mor. Nic. But this was so simple a truth, that it derives neither force nor illustration from the Greek. It neither makes the matter better nor worse. I fear this is not the only note of which it may be said in the words of Puck to Oberon,

"One murder cries, and help from Athens calls!"

Some idea of the effect which Grecian scenery had on their minds, may be conceived from the circumstance of travellers in Asia Minor being strongly agitated at the sight of places consecrated to the history of Greece, notwithstanding the lapse of years, and the ruin and degeneracy which mark them.

Besides the liveliness which Grecian poetry received from the associations with which tradition invested particular spots, there were the natural beauties of the scenes. Around Athens the charms of the landscape reached to the mountains of Salamis, Corinth and Arcadia. The climate is so pure, the skies are so serene, and there is such a delicious sensation of freshness in the air in the summer, that these, together with the fineness of the nights and the changes of the seasons, were the very invitations of the Hours to the Muses. Yet with all these smiling in his face, and breathing on his cheek, Plutarch could say of poetry, * he had seen religious ceremonies without choirs, or even musicians, but never had he seen poetry free from fiction.

Thus the elements of the fine minds of the Greeks lay about them in every direction; the groves and caverns, hallowed by the imaginary presence of tutelar deities; the sides of the mountains displaying their temples; the streams, where women had been drowned, and the woods where they had died, both which their ghosts were said to haunt in the shapes of nymphs;.....the fields of the battles which established their liberties and their glory; the evolutions of the Olympick plains; and the works of the painter and the statuary. Among these scenes, and in the midst of the thoughts of immortality which they inspired, the Greeks imbibed sentiments, which have made Greece the passion of poets and young men ever since, and made the poets good and the young men great.

The kind and extent of these influences are to be gathered from histories and descriptions of Greece. There have been a few works peculiarly calculated to illustrate such speculations. About sixty years ago, when Lord Hardwick and his friends were young men, they wrote the "Athenian Letters," a very reputable work, which in the fashion of the present generation, would be called the Persian Spy. It resembles in principle the Cyropaedia of Xenophon. But the most elegant performance of the kind is the abbé Barthelemi's, the Travels of Anacharsis the younger. The abbé was many years compiling them. The texture of the work is made of the arts, letters, history and geography of Greece. He has contrived to weave into his work whatever is curious in Grecian antiquities, and all that is striking in their manners. Nothing that could increase its value, or enhance its interest, is at all omitted. It is an essential work of its sort and in its subjects. It comprises alike the sketches of Plato and Pausanias, the lives of Plutarch and of Diogenes Lærtius.

* Θυσιας μὲν γὰρ ἀχοροῖς δὲ ἀναυλοῖς ἵσμεν, οὐκ ἴσμεν δὲ ἀμύθοι οὐδὲ ἀφειδῆ
πράξεις.

Anacharsis is a Scythian. He comes to Athens at a time of the liveliest auspices. It was about sixty years after Pericles ; a period, when the arts and letters of the city had been thoroughly animated by the fine spirit of his reign. Anacharsis has an old slave, who had acquainted him with Socrates and that generation, much more of which, in the course of his residence, he learns incidentally and from hearsay. He converses with Diogenes and Plato. He is present at the feast given by the father of Epicurus at his birth. He sees the opening excellence of Demosthenes and Aristotle. As he is determined to spend the rest of his days in Greece, in consequence of a common occurrence in the family with which he boards, Anacharsis has an opportunity of describing the minority and education of an Athenian, from his birth to his twentieth year. Plato, Aristotle and Isocrates are his masters, and one lesson given him is the same Socrates gave Alcibiades.

Anacharsis makes the tour of Greece, and finds the temples exactly where a traveller would have found them, on the banks of rivers and the sides of hills, nor does he see a window in one of them. In a sea voyage the abbé places him on board such a vessel as he had found in ancient draughts, and gives him such winds as usually direct a voyage over those seas. Among the visits he pays the cities and islands, Anacharsis happens to pass at Lesbos one of those beautiful nights, which he says are so common in Greece, and has the good fortune to hear one of Sappho's songs sung by a female voice under his window.

Every incident, which the abbé introduces into the life of Anacharsis, is probably true, or is as good as true from that probability. Every thing might have really happened, which the abbé says did. But he blends and changes circumstances ; and the order, in which they appear, is a contrivance. His facts are truer than his dates. The figures are all antiques ; but it is a French gallery. Sometimes they almost seem to start and breathe ; but it is done on canvas. The opuscula are likely to be Greek, but it is the work of the abbé Barthelemi.

This work is one of the most perfect of the French Anas. The author arranges the finest flowers of Greece in vases. And he has collected an anthology more beautiful and more extensive, than that of the monk Planudes, or those of Brodaeus, or H. Etienne, or Brunck. The disposition is so artful and elegant, that it seems as if it would dissolve at the touch of a critick. The light, which the genius of Barthelemi diffuses over the scene he describes, is that of a setting sun, which refreshes, and deepens and harmonizes the landscape. This light softens the grandeur of Greece, and lends Grecian virtues those graces, that charm them into manners. And it is so enchanting, it almost seems to abridge the antiquity of Greece.

Upon the whole, the Anacharsis resembles in principle the Hercules of the ancients. Hercules was placed between heaven and earth, as it were to fill up the interval. The travels of Anacharsis the younger take up all the room between history and romance.

But these have been insensible wanderings, though probably not imperceptible. I merely meant to shew that it was from works of this kind, general in their topicks, and liberal in their scope, that we are to gather those influences, whatever they may be, which have conspired to give Greek literature that superiority over all other literature, which is ascribed to it in every other language. The chief danger in making this inquiry is the illusion, that we may suffer from the exceeding fineness of the medium we are obliged to use in penetrating the mist of antiquity.

Is it necessary to recount how many times the Grecian authors have been imitated? how often they have been celebrated? But there is no other way, now, of describing them. The name of Homer has exhausted the finest echoes of Europe. Goldsmith is no more, and who is fit to mention the sweetness of the Attick bee?

The histories, the orations, and the poems of Greece are the archives of fame, as much as they are the canons of the schools. There was one analysis of them; but since the time of Longinus, criticism, instead of canvassing them, uniformly quotes them as authorities. At the period of the revival of literature, this was carried to extravagance. The literati seemed to hold the ancients unexceptionable in letters, and nearly irrefragable in science. But the spirit of philosophy teaches to discriminate among the kinds, and among the kinds of ancient philosophy more than all. And the principles of taste, which are derived from the classicks, are the guides to discover, and the rules in rejecting their defects. It is unnatural to think Homer never nods, and unphilosophical to pretend he talks as well in his sleep, as when wide awake.

In the different departments of Greek, some parts are valuable intrinsically; others are so only in connection. Some are collateral; scarcely any are absolutely useless.

Not even mythology. All ancient and much modern learning has the tincture of it. The allegories of the ancients and almost all their metaphors were expressed in fables, or illustrated by fabulous allusions. Many terms in mythology were philosophical truths, and some were actual morals. It is certainly a faulty taste, that introduces Apollo, and Venus, and Minerva, and Aurora, and Thetis, and the whole family, into the elements of modern poetry. Genius, beauty, wisdom, the morning and the west are full as lively personifications, and, besides, they are English. Still there is much English poetry too good to be parted with for cause of paganism, and too intimately blended with the vain things of the heathens to be had on any more pious terms.

"The religion of Homer and the Scipios" was mythology. It is true this religion was rather calculated to supply figures of speech than hopes of heaven. It rather furnished poets with machinery than sages with morality. It is a moral as well as a local fact, that the ancient temples were illuminated by lamp light, but had no windows to admit the light of heaven! This religion had little divinity and required little devotion, but that of sentiment. Like all other religions, it placed its sanctions on the dark side of

the grave ; but then it consecrated the hopes, which its votaries formed on their own side, and the hopes which rested upon the grave itself ; for a glorious triumph and an illustrious tomb were among their religious motives. This is idle now, but it was characteristick then. But idle as it has become, it is well to inquire what was the religion of men, who were learned in all the learning of the world, and were willing to receive the prevailing creed for want of a better.

Of late years mythology has gained a new interest in the closet, from its connection with oriental letters. This is a new discovery. That the rudiments of the arts and sciences were brought into Greece from the east, was often acknowledged by the Greeks themselves. But the Oxford scholars have already traced many lineaments of mythology in the Sanscrit.

There is an immense mass of literature contained in the mere adjuncts of Grecian letters. The scholastick learning attached generally to the classicks, by the elder editors, is invaluable. It consists of antiquities, explanations, anecdotes, and notes critical, geographical, historical and miscellaneous. More labour was spent three and four hundred years ago in an edition of an ancient, than there is in most original works. An edition was the highest praise the scholar aspired to ; and a million of glossaries, scholia and commentaries are the classick monuments of his ambition.

More labour and learning were necessarily employed in editing Greek works, than Latin. Latin letters, being the progeny of Greek, were naturally searched by the Greek scholar for illustrations of various sorts. This is an instance of more learning. The extraordinary labour of furnishing the Greek works with correspondent columns of Latin was very considerable. The Italians at that period wanted to monopolize Greek ; and it is likely that an edition of a work in that language was the most honourable on account of its requiring greater qualifications. There not being so many Greek authors as Latin to be edited, made the editors emulous, and editions excellent.

Having attempted in this manner to give some sketches of Greek literature, a few thoughts occur, and a few considerations remain, if they may be indulged.

I know that many of the motives, which are urged to study Greek, are equally applicable to the study of the Latin. But on the other hand, every inducement there is to learn Latin, is a further incentive to learn Greek. If Latin letters are only modes of Grecian, they must be in some measure unintelligible, without reference to the simple forms. Then, again, why do we get acquainted with the interpreter, but partly for the sake of understanding the master ? And why do we apply to the porter ? Is it not for the sake of being admitted into the monastery ?

But it is by no means the desire of Greek professors, to press an exclusive devotion to Greek. Even those who are most zealous in their recommendations of that language, instead of neglecting the claims of one, which is of more use in common concerns, are liable to the charge of employing artifice to persuade young men

to study Latin; for Latin is the only key to Greek. The lexicons require dictionaries. The scholastick editions of the Greek classicks are fitted out with Latin versions and Latin notes, to facilitate the study of Greek. It is plainly impossible to understand Greek at all, without a good knowledge of Latin. And the truth is, that Greek professors do not urge a confinement to that language. They enjoin first the acquisition of Latin; and to make profitable use of it, by extending your conquests into the provinces of a richer, a nobler, and more ancient language.

To defend the study against the clamour of mere Latin scholars.....against those, who approach within a league of a great city, and pass it by.....against those who are intimate with an interpreter, without ever asking him to translate a word.....against those who address the porter, purely for the sake of a little conversation with him at the gate, it is sufficient to say, the finest of the latter Romans were educated at Athens; the Latin authors abound with the most grateful injunctions to study their masters; the prince of Latin eloquence himself wrote Greek, and doated on it; and, in vindicating the poet Archias, urged that his poetry was Greek.

A celebrated Englishman, in his old age, learnt Spanish, for the sake of reading Don Quixote in the original. Had Spain produced other works of as much consequence as the legend of Cervantes, that would have been a ridiculous motive. But was not this something in favour of Spanish literature? Is it not an argument, as far as it goes? Well; in his extreme old age Cato began to learn Greek. At that period, and with his severity, Homer could not have been his only object. Now in Greece every muse had her Homer.

[TO BE CONTINUED.]

FOR THE ANTHOLOGY.

ORIGINAL LETTERS

FROM AN AMERICAN TRAVELLER IN EUROPE, TO HIS FRIENDS IN
THIS COUNTRY.

LETTER THIRTIETH.

MILAN, OCTOBER 29, 1804.

MY DEAR FRIENDS,

AS I find that riding, examining curiosities, and writing to my friends occupy most of my time, I shall give up the thoughts of keeping a regular journal: my letters must answer for a memorandum of what we see, and I hope that those which I may write from Italy will be preserved to gratify those friends who are desirous of retaining some written trace of our tour. We are now detained at Milan by rain and foggy weather. The rain has swollen the

rivers and renders their passage unpleasant. It is now said that every autumn travellers are impeded from this cause, and they are often obliged to wait a month for the rains to subside. There are no less than eight rivers to pass between this place and Bologna. All these things you never hear of at a distance. All is sunshine in description, though often clouded in reality. The truth is, I assure you, that travelling has a greater tendency to convince us of the wisdom and justice, the goodness and kindness of heaven, than any employment in life. We find things more upon a level than we had believed. We perceive the good and the evil, the pleasant and the unpleasant more equally blended. We execrate our severe cold winters; we are unjust and ungrateful. They are more pleasant than the fogs in England. In England we detest the smoky atmosphere; we sigh for the mild serenity of Italy or France. In the South of France, we could not sleep for mosquitoes and gnats, an inevitable consequence of warm climates; and lo! arrived in Italy, the rains descend in perpetual torrents, and we find ourselves more confined than even in England.

No person of good feelings can travel without resting satisfied of the justice of providence, and contented with the good things of his own country. We gratify our curiosity, but we pay for it in diet, to which we are unaccustomed and which is dreadful to us, and in quarrels with the rogues and knaves with whom Europe abounds.

After leaving Turin you pass along the truly enchanting plains of Lombardy, watered by the Po, the Doria and a number of tributary streams. The roads are level and smooth as a bowling green, and sheltered from the sun by rows of white mulberries, which have the further use of contributing to the riches of the country by feeding their silk worms. These plains abound in meadows for their cattle; corn fields and rice plantations. They are so level and so well watered that every farmer can carry the water over his farm and inundate the whole or a part of it at his pleasure. The whole land is intersected with aqueducts which are not stagnant but resemble the gurgling brook which beautifies, and murmurs along the road side in the village of Lynn, and which I dare say you have all admired and noticed.

All Italy is covered with villages, and every village is filled with churches. You all know how devoted this country is to papacy, but you have *no idea*, you *can have no idea* of the extravagance to which catholick superstition is carried. You may read for ever, but the fact outstrips description. There are in their towns more than double the number of churches which there are in other countries in proportion to population, and their splendour exceeds even their number; besides these every few rods you meet little chapels for the devotion of the passenger.

The first town of any note you meet between Turin and Milan is Vercelli. It is a small ancient city, which was formerly remarkable for three churches. One of them has been converted into a hospital by the French and was not visible. The cathedral is a superb building and is highly interesting to the good catholick for having the gospel of St. Matthew and St. Mark, in the hand writing

of *those saints*, as some writers assert, and of St. Eusebius, as others pretend. We saw the cathedral, but were *not* shewn the gospels.

At this place you quit the modern frontiers of France, and enter the *new Italian* republick, one of the creatures of the late revolution. It comprises the ancient dutchies of Milan, Mantua, Cremona, Bologna, Modena and Romagna. Bonaparte *was* president of it. He is not now so called, but *Gen. Jourdan* is commander in chief both for the republick and for France. What sort of freedom this is, I leave to my transatlantick friends who talk and think a great deal more about liberty than I dare to do, to decide..... They certainly have some of the external marks of independence, for in entering from France they search your baggage with all the insolence of power. They even obliged the ladies to get out, and opened their little trunks of night clothes. One might think this some proof of independence, if we had not learned the axiom, that none are more insolent in power than those who cringe under the weight of oppression themselves. Our valet, who was a Frenchman, was very indignant at this conduct, and by way of revenge intimated, that they would not dare to *do so to Bonaparte*.

Novara is a large city, remarkable for nothing that I could perceive except its antiquity, it being pretended that it was built by the Trojans who erected a temple to their protectress Venus, and thence it derived its name, Nova ara, or new altar. We left here the publick road to make an excursion to see the Lago Maggiore or larger lake, celebrated for its beauty and especially for two beautiful islands, which a French writer of elegance remarks, would be alone a sufficient inducement to make the voyage of Italy. These islands were the property of a noble family of Milan called *Borromeo*. What however has peculiarly raised this family was the transcendent catholick merit of an archbishop of Milan of that family, who has been *sainted* or DECREED TO BE A SAINT, a very common thing in Italy. As all the Milanese is filled with the wonderful acts and miracles of this saint, I must give you his history. But by the by, let me give you a piece of intelligence relative to saintships. Mr. A.....n, our charming friend, tells me, that in passing from France to this city he heard the bells ringing in a village, and on asking the occasion, he was told that they were celebrating *St. Napoleon's* day; he expressed his surprise at the name of this new saint, when he was informed that it was really the fête of *St. Nap. Bonaparte*.

St. Charles Barromeo flourished from the year 1560 to 1584, when he died. He was of a noble family, and was archbishop of Milan; he was, I dare say, a pious, exemplary pontiff; he was very publick spirited, originated many publick seminaries and excellent institutions. He was born at Arona, on the lake Maggiore, where the remains of his chateau still exist, and where they have erected a noble colossal bronze statue which *I saw yet perfect*; it is about 135 feet high, the pedestal 30, the statue 105. It is one of the noblest works of art now in the world, and worthy of one hundred miles of journey to view. You can ascend within the body, and look out of a door which they have made between his

shoulders. The figure is dressed in the drapery of an archbishop, and in the attitude of publick harangue. It is nobly and correctly executed, and worthy of a man as distinguished as they tell you St. Charles was.

The lake is one of the most beautiful in Europe. It is about forty five miles long, and never more than four or five miles wide, surrounded with noble mountains covered with vineyards. The shore is skirted with villages, and houses of pleasure, and glitters with spires of churches. The lake is always covered with boats, which carry on a great internal commerce between the towns on the lake, with which there is a communication by the river Tesino.

The two fairy islets, called the Borromean Isles, and distinguished more particularly as the Isola Madre and Isola Bella, have been celebrated for more than fifty years. The Borromean family, delighted, and justly so, with their natural position, have expended fortunes to embellish them. The Isola Bella is the most perfect piece of art and nature that has ever been described. It is filled with grottos, caves, arcades of orange and lemon trees, statues, bowers of laurels, laurestinus, and myrtle. You walk for great distances under thick bowers impenetrable to the sun, and over your heads are suspended a *profusion* of oranges, lemons, limes, &c. in flower and in fruit. A French writer, who induced me chiefly to visit this place, does not exaggerate in saying, "The objects the most striking in this part of Lombardy, the things the most beautiful in point of situation, view, grandeur, ornaments, are the Borromean isles. The romantick descriptions of the isles of Armida and Calypso, the most celebrated of antiquity, appear to have been made for the delicious abode of Isola Bella. It is one of the things *unique* in its kind, for which alone one would undertake the voyage of Italy. The terraces, the grottos, the gardens, the fountains, the bowers of lemons and cedars, the admirable view of the mountains and lake, all is enchanting, and one is fully compensated for the trouble of the voyage."

We disembarked on these islands, after sailing up the lake twelve miles, and we amply realized the beauties of the description I have given. There is also a grand palace of the Borromean family here. It is kept in charming order. We again embarked, and after a charming sail, just as the setting sun gilded the mountain tops we landed at Laveno.

ORIGINAL POETRY.

HORACE, ODE 7. LIB. 4.

AD TORQUATUM.

Diffugere nives ; redeunt jam gramina campis.

THE chilling snows have fled ; mild spring again
In richest verdure decks the varying plain.
The leaves in waving beauty clothe the trees,
And nature quickens with the vernal breeze.
Now the swollen floods within their banks subside,
And through the vale in silent grandeur glide.
The grace, Aglaia, dancing o'er the plain,
In naked beauty leads her sister train.
The changing year, that wings its rapid way,
And the swift hour, that steals the smiling day,
Alike forbid the aspiring hope to rise
To joys, immortal only in the skies.
The wintry winds in zephyrs die away ;
Spring's milder beam warms to the summer's ray ;
Summer, retreating, yields to autumn's reign,
Then dreary winter chills the world again.
The waned moon her lustre soon renews—
No second course of glory man pursues.
When once he sinks, where Rome's proud kings are laid,
He sinks in endless night, mere dust and shade.
Who knows at even, if on him shall dawn
The bright effulgence of the morrow's morn ?
Then live to pleasure, nor your riches spare
To fill the coffers of some greedy heir.
If Minos once, enthroned in awful state,
Pronounce on thee the eternal law of fate,
Not birth, Torquatus, nor thy piety,
Nor eloquence, can change the firm decree.
From his lov'd friend to burst oblivion's chain,
Not mighty Theseus could the boon attain ;
Nor his chaste son Diana's power restore,
From the dark horrors of the Stygian shore.

FROM SPENSER HIS FAERIE QUEENE. LIB. 1ST. CANT. 4TH.
v. 30, 31, 32.

DESCRIPTION OF ENVY.

And next to him, malicious Envy rode
Upon a ravenous wolfe ; and still did chaw
Betweene his cankered teeth a venomous toade,
That all the poison ran about his jaw :
But inwardly he chawed his owne maw
At neighbor's welth, that made him ever sad ;
For death it was when any good he saw ;
And wept, that cause of weeping none he had :
But when he heard of harme, he waxed wondrous glad.

All in a kirtle of discoloured say
 He clothed was, ypaynted full of eies :
 And in his bosome secretly there lay
 An hateful snake, the which his taile uptyes
 In many folds, and mortal sting implyes.
 Still, as he rode, he gnasht his teeth to see
 Those heapes of gold with griple covetyse ;
 And grudged at the great felicitiee
 Of proud Lucifera, and his owne companee.

He hated all good workes and vertuous deeds ;
 And him no lesse that any like did use ;
 And who with gracious bread the hungry feeds,
 His alms for want of faith he doth accuse.
 So every good to bad he doth abuse.
 And eke the verse of famous poet's witt
 He does backbite, and spightful poison spues
 From leproous mouth on all that ever writt.
 Such one vile Envy was, that fift in row did sitt.

C.

DESCRIPTIO LIVORIS :

QUAM ITA LATINE TENTAMUS.

Insidensque lupo, tunc iste furore ruebat
 Livor, et aspersus sanie, taboque veneno,
 Tetram lethifero mandebat dente rubetam :
 Introrsum at jecur, et secum sua viscera mordens
 Moerebat bona tabescens aliena videre ;
 Namque erat illi, ad felices spectare, perire ;
 Et sibi nulla quod, ipse, doloris causa, dolebat :
 At siquem audierit laesum, nil laetius unquam.*

Decolor aspectu et tunicâ vestitus, habebat
 Mille oculos, quos huc torvos, nunc conjicit illuc.
 Anguis et in gremio invisus sub veste latebat,
 Insinuat se nodo, arctoque volumine caudam
 Succingit, funestum spiculum et implicat intus.
 Ille ac dentibus, inter eundum, frendit acervos
 Auri aspectans, quos omnes servabat avarus ;
 Laetitiam tibi, Lucifera, et fastidia ferme
 Invidet, infandum ! et sociis sua gaudia saevus.

Omnia quae bona, quae pia, vel quae talia cunque,
 Odit, et haec, pariter, qui omnes faciuntve probantve :
 Et comiter panem qui porrigit esurienti
 "Pulchre," ait, "at nulla est illi fiducia facto."
 Sic, sic ille omne in pejus corrumpit honestum !
 Ausus et, ah ! sancta, abtrectare poemata vatum,
 Inque omnes, quos non nunquam scripsisse libellum
 Noscat, vipereum putri sput ore venenum.
 Talis erat Livor, qui quintus in ordine sedit.

Ex spelunca mea. Cantabrigiae.

* Hoc fateor, ex his verbis partim surripui, *nihil esset laetius illo : quae, O fortunate lector, reperias in illa nec ignota fabula, et hujus praeclari initii : Gallus dum vertit stercorarium.*

HORACE, ODE 4. LIB. 1.

AD SESTIUM.

Solvitur acris hiems, &c.

Before the sweet season of spring
 Rough winter dissolves from the plain ;
 The zephyr sheds life from its wing ;
 And the ships again plough the vast main.

The herds in the stall now no more,
 Nor the swain by his fire shall delight ;
 The meadows, so late silver'd o'er
 With frost, now no longer are white.

Beneath the clear moon's trembling rays
 Fair Venus the dance gaily leads ;
 Nymphs and Graces, in circling maze,
 Lightly trip o'er the green velvet meads.

The Cyclops, at Vulcan's command,
 Mean time the red thunderbolts form,
 Which Jove, with his flaming right hand,
 Shall hurl from the summer's black storm.

Let garlands of fragrant wild flowers
 Or myrtle encircle your head ;
 To Faunus, within the cool bowers,
 A kid or a lamb now should bleed.

Alike at the cottage and tower
 Pale death gives the awful alarm ;
 Dear Sestus, in life's little hour,
 Can hope lend aught distant a charm ?

E'en now the dark horrors of night
 Hang heavily over your head,
 How soon with the shades you'll unite,
 In the gloomy abodes of the dead !

In those regions so dreary and wide,
 While spectres around you shall move,
 No more o'er the wine you'll preside,
 Or taste the soft pleasures of love.

C.

 TO THE EDITORS OF THE ANTHOLOGY.

BOSTON, JUNE 8th. 1809.

GENTLEMEN,

I send you some lines on the death of Charles James Fox, written in those moments of regret which the first intelligence of that event occasioned. In the latter part of them, a similarity may be observed to the lines written by Mr. Fox on the death of Lord Nelson. The same ideas prevail in Garrick's epitaph upon Quin, and I hope that an accidental coincidence with, or an humble attempt to imitate, such writers, at a distance however remote, will not be deemed a crime.

ON THE DEATH OF CHARLES JAMES FOX.

Weep, Britain, weep, thy guardian spirit's fled,
 The patriot Fox is number'd with the dead !
 With heart, and head, and eloquence and hand,
 And active zeal, he serv'd his native land.

Dealt by his arm the sure destructive blow
 Had chill'd with terror Britain's fiercest foe.
 Prop to the state, his wise and vig'rous care,
 Full soon had check'd their dreams of pictur'd air,
 Had rais'd with Atlas arm a rampart bar,
 Where fell Napoleon pour'd the tide of war;
 And joy'd, while freedom hymn'd the fall of France,
 To pierce the dragon with the British lance.
 Deserted Britain, see, thy dreadful loss
 Shade every prospect, every triumph cross!
 Wisdom with wit, with learning worth combin'd,
 To fix their station in his noble mind.
 No cold, forbidding pride, no look austere,
 No coarse derision, no unfeeling sneer,
 No mean evasion, no unjust pretence,
 No shift to hide in sound the want of sense;
 No littleness in all the man we see,
 Candid and open, gen'rous, great and free.
 Such was the guide, the hero we deplore,
 Whose warning wisdom points the way no more;
 Whose mind, capacious as the circling skies,
 No wayward turn of fortune could surprise.
 At that sad moment he resign'd his breath,
 And tranquil, fill'd the "*icy arms of death*."
 The thund'ring cannon told th' exulting shore,
 Of Fox's skill one brilliant triumph more.
 Swift on the wings of fame to heaven he rose,
 Adorn'd with laurels torn from Britain's foes.

EPITAPH.

Cold is that heart which patriot virtue warm'd,
 Silent that tongue which list'ning senates charm'd;
 Clos'd are those eyes where ardent friendship glow'd,
 And still that hand which gen'rous gifts bestow'd;
 Reclin'd that head with various learning stor'd,
 And fled that fancy which sublimely soar'd.
 In order due we seek th' insatiate grave!
 Nor genius, learning, worth nor wit can save.
 The patriot summon'd to his last, long sleep,
 Full many a mournful year shall Britain weep,
 Long as a kindred spirit shall be found,
 Or truth or freedom thrive on British ground.

BRITANNICUS.

THE BOSTON REVIEW,

FOR

JUNE, 1809.

Librum tuum legi & quam diligentissime potui annotavi, quae commutanda, quae eximenda, arbitrarer. Nam ego dicere verum assuevi. Neque ulli patientius reprehenduntur, quam qui maxime laudari merentur. PLIN.

ART. 27.

A Journal of the Voyages and Travels of a corps of discovery, under the command of Capt. Lewis and Capt. Clark, of the army of the United States, from the mouth of the river Missouri, through the interior parts of North America to the Pacifick ocean, during the years 1804, 1805, and 1806, containing an authentick relation of the most interesting transactions during the expedition; a description of the country, and an account of its inhabitants, soil, climate, curiosities and vegetable productions. By Patrick Gass, one of the persons employed in the expedition. With geographical and explanatory notes by the publisher. Pittsburgh; printed by Zadok Cramer, for David M'Kechan, publisher and proprietor. 1807. pp. 262.

THE expedition, commanded by Captains Lewis and Clark, which was undertaken in the year 1804, and terminated successfully by their arrival at St. Louis in September 1806, excited considerable interest at the time, and the promised details of it by those who were its conductors have been looked for with impatience. This impatience has considerably increased at the apparent delay of the work, as nearly three years have elapsed since their return.

In the mean time, this journal, written without lofty pretensions, will afford some amusement to those who are fond of perusing the relations of travellers, in new and difficult situations. As it is without a map, it cannot be of very lasting importance; yet it furnishes some details to satisfy us for the moment, till we are favoured with the principal work.

The party that undertook this journey consisted of forty three persons, including the commanding officers. The author has not given us a detailed account of the individuals, nor has he mentioned in what capacity he was himself. They appear to have been prin-

cipally soldiers and hunters. That these were selected with great care and judgment, seems evident from the fact, that, during the hardships and difficulties they endured in this savage journey for a period of two years and four months, they lost but one man, and him a few days after they started, of an illness which would probably have been mortal, had he remained at home. It is a curious circumstance that their whole number was as great on their return as on their departure; for at their first winter encampment on the Missouri, the squaw wife to their interpreter brought them a papoose, with which she accompanied them to the shores of the Pacifick ocean and back!!

They appear to have prosecuted their journey with great industry, and the progress they made on some days is surprising. The frequent separation of the party, by some being every day despatched to kill their game, which they would leave in the woods at the distance of many miles, by others being sent to bring it in on their return, (and they never seemed to have failed in finding it) by some of the individuals advancing before the rest a day or two, in order to explore particular objects, and none having been lost in this way, either by the savages, wild beasts, or wandering, implies not only sagacity and good conduct, but no small degree of good fortune.

They ascended the Missouri with canoes from its mouth to the place where they deposited them, *three thousand and ninety six miles!* from thence on different small streams to the Rocky mountains. Beyond them, descending different streams to the Columbia, and by that to the Pacifick ocean, their whole route was upwards of four thousand miles. The greater part was performed in boats and canoes, ascending and descending rivers; but in the neighbourhood and passage of the mountains, they made use of horses obtained from the Indians. Their food, consisting generally of meat alone, and at one period without salt, was obtained from the deer, elk and buffaloe, killed by their huntsmen. Near the mountains they lived on horses and dogs, and on the western side of the range on pounded salmon and some roots, on which the Indians of those districts subsisted.

Their first winter was passed at the Mandan villages on the Missouri; here they found the cold so intense as to congeal spirits in fifteen minutes, exposed to the air; this encampment was in latitude 47. 21. Their next winter was passed on the banks of the Columbia, about seven miles from the coast of the Pacifick ocean, in latitude 46. 19. The latitude, it will be seen, was nearly the same, but the climate widely different. They had there very little snow, generally mild weather, and almost uninterrupted rain through the winter. Mr. Gass considers the land on the Columbia as of much better quality, than that on the upper parts of the Missouri.

We shall make a number of extracts from different parts of this journal, that our readers may have some idea of its contents, and of the manner in which the expedition was conducted.

"On Monday, the 14th. of May, 1804, we left our establishment at the mouth of the river du Bois or Wood river, a small river which falls into the Mississippi, on the east side, a mile below the Missouri, and having crossed the Mississippi proceeded up the Missouri on our intended voyage of discovery, under the command of Captain Clarke. Capt. Lewis was to join us in two or three days on our passage.

"The corps consisted of forty three men (including Captain Lewis and Captain Clarke, who were to command the expedition) part of the regular troops of the United States, and part engaged for this particular enterprise. The expedition was embarked on board a batteau and two periogues. The day was showery and in the evening we encamped on the north bank six miles up the river. Here we had leisure to reflect on our situation, and the nature of our engagements: and, as we had all entered this service as volunteers, to consider how far we stood pledged for the success of an expedition, which the government had projected; and which had been undertaken for the benefit and at the expense of the Union: of course of much interest and high expectation.

"The best authenticated accounts informed us, that we were to pass through a country possessed by numerous, powerful and warlike nations of savages, of gigantick stature, fierce, treacherous and cruel; and particularly hostile to white men. And fame had united with tradition in opposing mountains to our course, which human enterprise and exertion would attempt in vain to pass. The determined and resolute character, however, of the corps, and the confidence which pervaded all ranks dispelled every emotion of fear and anxiety for the present; while a sense of duty, and of the honour which would attend the completion of the object of the expedition; a wish to gratify the expectations of the government, and of our fellow citizens, with the feelings which novelty and discovery invariably inspire, seemed to insure to us ample support in our future toils, suffering and dangers."

"*Wednesday, 29th. August.* At 8 o'clock last night a storm of wind and rain came on from the N. west, and the rain continued the greater part of the night. The morning was cloudy with some thunder. We are generally well supplied with catfish, the best I have ever seen. Some large ones were taken last night. In the afternoon the men who had gone to the Indian camp returned and brought with them sixty Indians of the Sioux nation. They encamped for the evening upon the opposite shore, and some corn and tobacco were sent over to them. The sergeant who had gone to their camp informed me that their lodges, forty in number, are about nine miles from the Missouri on the Sacque river. They are made of dressed buffaloe and elk skins, painted red and white, and are very handsome. He said the women are homely and mostly old; but the young men likely and active. They killed a dog as a token of friendship. One of our men killed a deer.

"*Thursday, 30th.* A foggy morning, and heavy dew. At nine o'clock the Indians came over the river. Four of them, who were musicians, went backwards and forwards, through and round our camp, singing and making a noise. After that ceremony was over they all sat in council. Captain Lewis and Captain Clarke made five of them chiefs, and gave them some small presents. At dark Captain Lewis gave them a grained deer skin to stretch over a half keg for a drum. When that was ready they all assembled round some fires made for the purpose: two of them beat on the drum, and some of the rest had little bags of undressed skins dried, with beads or small pebbles in them, with which they made a noise. These are their instruments of musick. Ten or twelve acted as musicians, while twenty or thirty young men and boys engaged in the dance, which was continued during the night. No Squaws made their appearance among this party.

"*Friday, 31st.* A clear morning. The Indians remained with us all day, and got our old Frenchman to stay and go with their chief to the city of Washington. Some of them had round their necks strings of the white bear's claws, some of the claws three inches long."

"*Friday, 7th. Sept.* We set sail early, and had a clear day: passed high prairie land on both sides; but there is some cotton wood on the low points in the bottoms. On the south side we found a scaffold of meat neatly dried. This had been left by one of our men, who had gone out on the 26th. of last month to hunt the horses, and supposing we had got a distance ahead, proceeded up the river several days journey, before he discovered his errour. Captain Lewis and Captain Clarke with some of the men went to view a round knob of a hill

in a prairie, and on their return killed a prairie dog, in size about that of the smallest species of domestick dogs.

"Having understood that the village of those small dogs was at a short distance from our camp, Captain Lewis and Captain Clarke with all the party, except the guard, went to it; and took with them all the kettles and other vessels for holding water; in order to drive the animals out of their holes by pouring in water; but though they worked at the business till night they only caught one of them."

"*Tuesday, 25th. September.* We stayed here to wait for the Indians, who were expected to arrive, and at 10 o'clock they came, about fifty in number. The commanding officers made three of them chiefs and gave them some presents. Five of them came on board and remained about three hours. Captain Clarke and some of our men in a periogue went ashore with them; but the Indians did not seem disposed to permit their return. They said they were poor and wished to keep the periogue with them. Captain Clarke insisted on coming to the boat; but they refused to let him, and said they had soldiers as well as he had. He told them his soldiers were good, and that he had more medicine aboard his boat than would kill twenty such nations in one day. After this they did not threaten any more, and said they only wanted us to stop at their lodge, that the women and children might see the boat. Four of them came aboard, when we proceeded on a mile, and cast anchor at the point of an island in the middle of the river. The Indians remained with us all night.

"*Wednesday, 26th.* We set out early, and proceeded on four miles. The bank of the river on the south side was covered all the way with Indians; and at 10 o'clock we met the whole band, and anchored about 100 yards from the shore. Captain Lewis, the chiefs, and some men went on shore, the Indians were peaceable and kind. After some time Captain Lewis returned on board, and Captain Clarke went on shore. When the Indians saw him coming they met him with a buffaloe robe, spread it out and made him get into it, and then eight of them carried him to the council house. About an hour after some of them came for Captain Lewis, and he landed; and eight of them carried him to the council house in the same manner, they had carried Captain Clarke. They killed several dogs for our people to feast on, and spent the greater part of the day in eating and smoking. At night the women assembled, and danced till 11 o'clock: then the officers came on board with two chiefs, who continued with us until the morning.

"*Thursday, 27th.* We remained here all day. Captain Lewis, myself, and some of the men went over to the Indian camp. Their lodges are about eighty in number, and contain about ten persons each; the greater part women and children. The women were employed in dressing buffaloe skins for clothing for themselves, and for covering their lodges. They are the most friendly people I ever saw; but will pilfer if they have an opportunity. They are also very dirty: the water they make use of, is carried in the paunches of the animals they kill, just as they are emptied, without being cleaned. They gave us dishes of victuals of various kinds; I had never seen any thing like some of these dishes, nor could I tell of what ingredients, or how they were made.

"About fifteen days ago they had had a battle with the Mahas, of whom they killed seventy five men and took twenty five women prisoners, whom they have now with them. They promised to Captain Lewis that they would send the prisoners back and make peace.

"About three o'clock we went aboard the boat accompanied with the old chief and his little son. In the evening Captain Clarke and some of the men went over, and the Indians made preparations for a dance. At dark it commenced. Captain Lewis, myself and some of our party went up to see them perform. Their band of music, or orchestra, was composed of about twelve persons beating on a buffaloe hide, and shaking small bags that made a rattling noise. They had a large fire in the centre of their camp; on one side the women, about eighty in number, formed in a solid column round the fire, with sticks in their hands, and the scalps of the Mahas they had killed, tied on them. They kept moving, or jumping round the fire, rising and falling on both feet at once; keeping a continual noise, singing and yelling. In this manner they continued till one o'clock at night, when we returned to the boat with two of the chiefs. On coming aboard, the periogue run across the bow of the boat, and broke the cable. All hands were roused to row the boat ashore; the chiefs called aloud, and a number of the warriors came to our assistance

but we did not need it: the circumstance, however, shewed their disposition to be of service. This unfortunate accident lost to us our anchor."

"*Saturday, 1st. December, 1804.* The day was pleasant, and we began to cut and carry pickets to complete our fort. One of the traders from the North West Company came to the fort, and related that the Indians had been troublesome in his way through. An Indian came down from the first Mandan village, and told us that a great number of the Chien or Dog nation had arrived near the village.

"*Sunday, 2nd.* The day was pleasant, and the snow melted fast. A party of the Chien Indians with some of the Mandans came to the fort: they appeared civil and good natured.

"The 3d. 4th. and 5th. were moderate and we carried on the work; but the 6th. was so cold and stormy, we could do nothing. In the night the river froze over, and in the morning was covered with solid ice an inch and an half thick.

"*Friday, 7th.* A clear cold morning. At 9 o'clock, the Big-white head chief, of the first village of the Mandans, came to our garrison and told us that the buffalo were in the prairie coming into the bottom. Captain Lewis and eleven more of us went out immediately, and saw the prairie covered with buffalo and the Indians on horseback killing them. They killed thirty or forty, and we killed eleven of them. They shoot them with bows and arrows, and have their horses so trained that they will advance very near and suddenly wheel and fly off in case the wounded buffalo attempt an attack."

"*Monday, 27th. May.* We have now got into a country which presents little to our view, but scenes of barrenness and desolation; and see no encouraging prospects that it will terminate. Having proceeded (by the course of this river) about two thousand three hundred miles, it may therefore not be improper to make two or three general observations respecting the country we have passed.

"From the mouth of the Missouri to that of the river Platte, a distance of more than six hundred miles, the land is generally of a good quality, with a sufficient quantity of timber; in many places very rich, and the country pleasant and beautiful.

"From the confluence of the river Platte with the Missouri to the Sterile desert we lately entered, a distance of upwards of fifteen hundred miles, the soil is less rich, and except in the bottoms, the land of an inferior quality; but may in general be called good second rate land. The country is rather hilly than level, though not mountainous, rocky or stony. The hills in their unsheltered state are much exposed to be washed by heavy rains. This kind of country and soil which has fallen under our observation in our progress up the Missouri, extends, it is understood, to a great distance on both sides of the river. Along the Missouri, and the waters which flow into it, cotton wood and willows are frequent in the bottoms and islands; but the upland is almost entirely without timber, and consists of large prairies or plains, the boundaries of which the eye cannot reach. The grass is generally short on these immense natural pastures, which in the proper seasons are decorated with blossoms and flowers of various colours. The views from the hills are interesting and grand. Wide extended plains with their hills and vales, stretching away in lessening wavy ridges, until by their distance they fade from the sight; large rivers and streams in their rapid course, winding in various meanders; groves of cotton wood and willow along the waters, intersecting the landscapes in different directions, dividing them into various forms, at length appearing like dark clouds and sinking in the horizon; these, enlivened with the buffalo, elk, deer, and other animals which in vast numbers feed upon the plains or pursue their prey, are the prominent objects, which compose the extensive prospects presented to the view, and strike the attention of the beholder.

"The islands in the Missouri are of various sizes; in general not large, and during high water mostly overflowed.

"There are Indian paths along the Missouri, and some in other parts of the country. Those along that river do not generally follow its windings, but cut off points of land, and pursue a direct course. There are also roads and paths made by the buffalo and other animals; some of the buffalo roads are at least ten feet wide. We did not embark this morning until eight o'clock. The day was fine, but the wind ahead. We had difficult water, and passed through the most dismal country I ever beheld; nothing but barren mountains on both sides of the river, as far as our view could extend. The bed of the river is rocky, and also the banks and hills in some places; but these are

chiefly of earth. We went thirteen miles, and encamped in a bottom, just large enough for the purpose, and made out to get enough of drift wood to cook with."

"*Friday, August 9th.* We set out at sunrise, and had a fine morning with some dew; proceeded on till nine o'clock, when we halted for breakfast. Here one of the hunters came to us, who had been out since the morning the canoes went up the north branch by mistake, and who had that morning preceded them by land. Here also Captain Lewis and three men started to go on ahead; and at ten we proceeded on with the canoes. The river is narrow and very crooked, and the valley continues about the same breadth. There is some timber on the mountain on the south side, and white earth or rocks appearing through the pines. At noon we halted for dinner, and hauled out one of the canoes which had sprung a leak, and caulked her.

"This morning our commanding officers thought proper that the Missouri should lose its name at the confluence of the three branches we had left on the 30th. ultimo. The north branch, which we went up, they called JEFFERSON; the west or middle branch, MADISON; the south branch, about two miles up which a beautiful spring comes in, GALLATIN! and a small river above the forks they called *Philosophy*. Of the three branches we had just left, they called the north *Wisdom*, the south *Philanthropy*, and the west or middle fork, which we continued our voyage along, retained the name of JEFFERSON. We went fourteen miles, and encamped on the south side. Our two hunters killed but one goat."

We think new discoverers have a fair right to give rivers and lakes what names they please, nor do we mean to find fault with any of these; but if the expedition had been undertaken a few years later, we think a stream between JEFFERSON and *Wisdom*, would have been called *Embargo*.

"*Friday, 15th. November.* This morning the weather appeared to settle and clear off, but the river remained still rough. So we were obliged to continue here until about one o'clock, when the weather became more calm, and we loaded and set out from our disagreeable camp; went about three miles, when we came to the mouth of the river, where it empties into a handsome bay. Here we halted on a sand beach, formed a comfortable camp, and remained in full view of the ocean, at this time more raging than pacifick. One of the two men who first went out came to us here, the other had joined Captain Lewis's party. Last night the Indians had stolen their arms and accoutrements, but restored them on the arrival of Captain Lewis and his men in the morning.

"*Saturday, 16th.* This was a clear morning, and the wind pretty high. We could see the waves, like small mountains, rolling out in the ocean, and pretty bad in the bay.

"We are now at the end of our voyage, which has been completely accomplished according to the intention of the expedition, the object of which was to discover a passage by the way of the Missouri and Columbia rivers to the Pacifick ocean; notwithstanding the difficulties, privations and dangers, which we had to encounter, endure and surmount.

"This morning five of the men went out to hunt; and about three o'clock all came in but one. They had killed two deer, nine brants, two geese, one crane, and three ducks. The day being clear, we got all our baggage dried, and in good order; and quietly rested until Capt. Lewis and his party should return."

"*Thursday, 26th. June.* We had a foggy morning; proceeded on early; and found the banks of snow much decreased: at noon we arrived at the place where we had left our baggage and stores. The snow here had sunk twenty inches. We took some dinner, but there was nothing for our horses to eat. We measured the depth of the snow here, and found it ten feet ten inches. We proceeded over some very steep tops of the mountains, and deep snow; but the snow was not so deep in the drafts between them; and fortunately we got in the evening to the side of a hill where the snow was gone; and there was very good grass for our horses. So we encamped there all night. Some heavy showers of rain had fallen in the afternoon.

"*Friday, 27th.* We had a cloudy morning, and at eight o'clock we renewed our march, proceeding over some of the steepest mountains I ever passed.

The snow is so deep that we cannot wind along the sides of these steeps, but must slide straight down. The horses generally do not sink more than three inches in the snow; but sometimes they break through to their bellies. We kept on without halting to about five o'clock in the evening, when we stopped at the side of a hill where the snow was off, and where there was a little grass; and we here encamped for the night. The day was pleasant throughout; but it appeared to me somewhat extraordinary, to be travelling over snow six or eight feet deep in the latter end of June. The most of us, however, had saved our socks, as we expected to find snow on these mountains.

"*Saturday, 28th.* The morning was pleasant, we set out early, and passed the place where we encamped on the 15th. Sept. last, when the snow fell on us. After passing this place about a mile, we took a left hand path, and travelled along high ridges till noon, when we came to a good place of grass; where we halted and remained all the afternoon to let our horses feed, as they had but little grass last night. Some hunters went out, as we saw some elk signs here, and our meat is exhausted. We still have a good stock of roots, which we pound and make thick soup of, that eats very well. In the evening our hunters came in, but had not killed any thing. On the south side of this ridge there is summer, with grass and other herbage in abundance; and on the north side winter, with snow six or eight feet deep."

"*Thursday, 10th. July, 1806.* At dark last evening the weather cleared up, and was cold all night. This morning was clear and cold, and all the mountains in sight were covered with snow, which fell yesterday and last night.* At eight o'clock we started down the river, and in the course of the day our hunters killed five deer, two elk and a bear. The road was very muddy after the rain. The country on both sides is composed of beautiful plains; the river about eighty yards wide, and tolerably straight, with some cotton wood timber on its banks; and plenty of game of different kinds ranging through the plains. Having made twenty four miles, we encamped for the night."

"*Wednesday, 17th. Sept.* We went on early and had a pleasant day, but very warm. One of our party last night caught a large catfish, supposed to weigh one hundred pounds. We got a great many papaws on our way to day: a kind of fruit in great abundance on the Missouri from the river Platte to its mouth; and also down the Mississippi. About eleven o'clock we passed through a bad part of the river, where it was so filled with sawyers that we could hardly find room to pass safe. About two in the afternoon we met a large keel boat, commanded by a Captain M'Clanen, loaded with merchandize, and bound to the Spanish country by the way of the river Platte. He intended to go by land across the mountain, and get the Spaniards to bring their gold and silver on this side, where he could take his goods and trade with them. He had fifteen hands, an interpreter, and a black. He intends to discharge his men on this side of the mountain, and to get some of the Ponis, who live on the river Platte, to accompany him to the Spanish country. Mr. M'Clanen gave all our party as much whiskey as they could drink, and a bag of biscuit. Some of the men were sent on ahead in two small canoes to hunt, and we encamped here for the night.

"*Thursday, 18th.* We gave Mr. M'Clanen a keg of corn; took our leave of him, and proceeded on. In a short time passed the mouth of the river Grand, and soon after overtook the hunters, who had not killed any thing. We continued our voyage all day, without waiting to hunt; gathering some papaws on the shores, and in the evening encamped on an island.

"The 19th. was a fine day, and at daylight we continued our voyage; passed the mouth of Mine river; saw several turkeys on the shores, but did not delay a moment to hunt; being so anxious to reach St. Louis, where, without any important occurrence, we arrived on the 23d. and were received with great kindness and marks of friendship by the inhabitants, after an absence of two years, four months, and ten days."

* "It will not be a subject of surprise that snow should fall here in the middle of summer, when the elevation of this part of the country which divides the eastern from the western waters, is taken into view. Every person will be able to comprehend, that no small degree of elevation, above its mouth, will be sufficient to give so rapid a course to the Missouri for upwards of three thousand miles, even supposing there were no great falls or cataracts."

ART. 28.

Two sermons, delivered in the presbyterian church in the city of Albany, on Thursday, Sept. 8, 1808, being the day recommended by the General Assembly of the Presbyterian church in the United States, for fasting, humiliation and prayer. By John B. Romeyn, A. M. I believed, therefore have I spoken, Psal. cxvi. 10. Albany, Backus and Whiting, publishers, 8vo. pp. 80.

The passage of scripture prefixed, is in Isa. xxvi. 20, 21, "Come, my people, enter thou into thy chambers and shut thy doors about thee: hide thyself, as it were for a little moment, until the indignation be overpast; for behold the Lord cometh out of his place to punish the inhabitants of the earth for their iniquity; the earth also shall disclose her blood and shall no more cover her slain."

The author of these discourses, in some part of them, remarks, that "the literary taste of mankind is constantly varying; so that what pleases in one age is disliked in the next." We have no inclination to controvert this position of Mr. Romeyn; but we venture to predict, that the time is far distant when his own performance, considered as a composition for the pulpit, will please the taste of any class of hearers whatever. The illiterate will not be pleased with it, unless they are pleased with what they cannot understand; and scholars will not relish it, because, though they love learning, they hate to see it misplaced. Indeed, we hardly know what to think of this pious and literary effort. It contains a deal of good politicks, which might be useful in a Gazette, and of religious intelligence, which the theological Magazines will do well to preserve; but these politico-religious materials are so heterogeneous in themselves, and scattered about in such wild confusion, that the pamphlet must, on the whole, be pronounced immethodical, obscure and contradictory. The author's want of method is so apparent that, if in his introduction he had not informed us what he was going to do, and, at the conclusion, what he had been doing, we should with difficulty have guessed at his design. He begins with an attempt to elucidate the sacred prophecies; but he soon falls to belabouring Napoleon, the Pope, and the Roman Catholics. He next gives us sketches of ancient and modern history; of the French revolution; and of the present ravages of war on the continent of Europe. As he travels along, there is hardly a commentator, whom he does not quote; a monarch, whose character he does not delineate; an infidel, whom he does not chastise; a good institution, which he does not commend; or a bad one, which he does not condemn. But for its title, we should suspect the book was a new edition of President Stiles's election sermon. Obscurity is the necessary consequence of such disorder in composition.

But Mr. R. is also obscure in his style. Page 62, speaking of prevailing sins, he says, "I might refer you also to dresses, especially among the female sex, which are indecorous. What evils has it not produced? How much distress in families! What profligacy in

publick manners ! To it most *real* failures may be traced as their cause ; and by its spirit fraudulent failures are fostered and multiplied. In a word, it corrupts the moral taste, debauches the chastity of the mind, and gives unbridled force to the passions." What is the antecedent to this destructive *it* ? If it is the *dress* of the ladies, the preacher has reason to tremble for his popularity.

Lastly, Mr. R. seems to contradict himself. Notwithstanding it is his professed object to represent the present as a time of great indignation, he says, p. 50, "this awful lethargy....this stupid indifference to religion was sensibly aroused by the French revolution, and the calamities it occasioned. The real lovers of the Lord Jesus were awakened, and excited to uncommon exertions for the promotion of his cause. Their zeal has not abated ; their exertions continue, and their numbers are increasing." Yet in the same page he tells us, that "the protestants are sadly degenerated from their original principles, and display the most threatening laxity of practice and opinion." In pp. 21, 22, he speaks in terms of high and deserved praise of Great Britain ; of "the thousands and tens of thousands in her, who fear God and keep his commandments," of the number and variety of her righteous, humane, and christian institutions, and of their incalculable benefits on the remotest parts of the earth ; yet he afterwards laments that the pious are "a mere handful," and that little or nothing is doing for the glory of God.

These errors in the sermons before us might have been avoided, if their author had more fully treated of prophecy in his preface, and thrown into his notes, which are numerous and valuable, such facts, opinions and conjectures, as did not immediately relate to the discussion of his subject. For justice to Mr. Romeyn obliges us to add, that he discovers a full and vigorous mind deeply impressed with religious truth, and keenly sensible to the calamities of the world and of our lately bleeding country. His concluding remarks and monitions, apart from his prophetic calculations, in which he appears to have adopted the ingenious theory of Faber, are intelligible, pertinent, and worthy of universal regard.

ART. 29.

The History of the Rev. Hugh Peters, A. M. By the Rev. Samuel Peters, L. L. D. New York ; printed for the author, 1807. 12mo. pp. 155.

"Biography," says Johnson, "is, of the various kinds of narrative writing, that which is most eagerly read, and most easily applied to the purposes of life.

"The examples and events of history press, indeed, upon the mind with the weight of truth ; but when they are repositied in the memory, they are oftener employed for show than use, and rather diversify conversation than regulate life."

These remarks are unquestionably just, where the hero of the story possesses talents and virtues, by which we may be instructed and improved. But whether the "fanatical chaplain of Cromwell,"

as Hume styles him, could boast of so large a portion of either, as to entitle him to the notice of a modern biographer, may reasonably admit of a doubt. Fanaticism is almost always accompanied by immorality; and if the unhappy subject of it should refrain from murder and sensuality, he will still practice the pharisaical vices of calumny, spiritual pride, and uncharitableness. His claims to divine inspiration are, indeed, wholly incompatible with the welfare of civil society; for, as he is actuated by principles unknown and unacknowledged by the rest of mankind, it is impossible to foresee what mischief he may occasion. He may set fire to his neighbour's house, take the life of his best friend, or murder his own family. The insanity, which may prompt him to the perpetration of these crimes, unquestionably diminishes their immorality, as it respects himself, but the outrage on society is the same, and demands punishment. The dog, that runs mad, and snaps at all he meets, is unconscious of the injuries he may inflict, yet we nevertheless knock him on the head.

Dr. Samuel Peters, it appears, is a descendant from the famous Hugh, and the design of the present biography seems to be, to place his character in the most favourable point of view. But the zeal of the biographer, however pardonable in defending the honour of his family, has not convinced us either of the superiour talents or integrity of his predecessor. The testimony of Whitlock* proves that he was weak and ignorant, and his continued adherence to the usurper, after he had subverted the liberties of his country and established a military despotism, shews, that great saints are as much attached to their temporal interests, as those whose pretensions are less lofty. Hugh deemed it by no means inconsistent with his patriotick and ecclesiastical character, to receive considerable donations from his revolutionary superiours; and his accepting part of Lord Craven's estate, and Archbishop Laud's library, proves, that he thought it lawful for the true Israelites to spoil the wicked Egyptians. He seems to have been employed as a military courier by Cromwell, and to have been handsomely rewarded for his services; for besides the property already conferred on him, he experienced the further munificence of the ruling party, by the settled income of three hundred a year, independent of his profits as a preacher. But we will lay before our readers a brief sketch of his history.

Hugh Peters was born in the year 1599, at Foy, in Cornwall, the son of a father, who was a respectable merchant, and of a mother, who was of an ancient family in that place. At the age of fourteen, he was sent to Cambridge, where he graduated, in Trinity College, as bachelor of arts, in 1616, and of master in 1622. Having been licensed by the bishop of London, he preached there with great success, according to his own statement, to an audience of six or seven thousand. But as he refused to conform to the ceremonies of the establishment, the observance of which was rigorously urged by the indiscreet zeal of Laud, he emigrated to

* Ormond papers, by Carte, vol. 2. p. 208.

Holland, where he resided five or six years. Thence he removed to New England, where he was elected minister at Salem, and afterwards at Boston. He remained in the colonies seven years, at the expiration of which he was chosen ambassadour to the parent country, to obtain some abatement of the customs and excise which had been imposed on them. On his arrival in England, he found the civil war on the point of breaking out, and having been introduced to Warwick, Fairfax, and Cromwell, he entered zealously into their service, and, as we have before observed, was amply remunerated for his exertions. After the restoration, he was tried on the charge of having compassed the king's death, and suffered with undaunted firmness.

Such is the history of Hugh Peters, a desperate fanatic, with talents well suited to times of civil commotion, to mount "the tempestuous sea of liberty," ride on the billows, and enjoy the storm. The doctor endeavours to defend his predecessor by denying the charges brought against him. But though we may deduct much from the exaggeration of party, yet the direct allegations of respectable writers require something more than bare denial to refute them. Bishop Burnet says,* "that he had been outrageous in pressing the king's death, with the cruelty and rudeness of an inquisitor." Mr. Stanley, at his trial, swore, that "he styled the king tyrant and fool, asserted that he was not fit to be a king, and that the office was dangerous, chargeable and useless." Dr. Barwick affirms, that† "the wild prophecies uttered by his impure mouth, were still received by the people with the same veneration as if they had been oracles; though he was known to be infamous for more than one kind of wickedness." Burnet says again,‡ "he was a very vicious man."

The denial of the fanatical chaplain himself, and of his relation and apologist cannot be considered as a satisfactory refutation of these charges; and the character of Hugh Peters will for ever remain infamous as the slave and tool of an odious hypocrite and detestable usurper, who received from him the wages of iniquity, and fattened on the miseries of his country. The conduct of this man will enable us to form a just estimate of the value of that piety which was then fashionable, intolerant, gloomy, and superstitious, consisting, in the language of Jortin, of "doctrines without sense, faith without reason, and a God without mercy."

This history, as Dr. Peters courteously calls it, is written in a loose easy style, and is well adapted for light summer reading. But the Dr. has forgotten to acknowledge his obligations to a pamphlet published in 1751, entitled an historical and critical account of Hugh Peters, after the manner of Bayle. We shall extract a few passages, which will convict the Rev. biographer of a literary theft very unbecoming in a scholar and a clergyman. "I can add nothing to what Locke and Bayle have said on the reasonableness and equity of toleration." Pamphlet, p. 7. "Nothing can

* History of his own times, 12 mo. v. 1. p. 264.

† Barwick's Life, p. 155, 156.

‡ Hist. v. 1. p. 264.

be said on the equity of toleration, but what has been said by Locke and Bayle." Peters, p. 15. "It is evident to a demonstration, that those communities are more happy in which the greatest number of sects abound. Holland, the free cities of Germany, and England, since the revolution, prove the truth of my assertion. And I will venture, without the spirit of prophecy, to affirm, that, whenever the sects in England shall cease, learning and liberty will be no more amongst us." Pamphlet, p. 7. "As has been clearly demonstrated in the communities of Holland, the free states of Germany, in England, since the expulsion of the Stuarts in 1688, and in America, since its independence in 1783, where the greatest number of sects prevail, with the most degrees of happiness. I will venture to say, whenever sects in America shall cease, liberty, learning, and piety will leave that country." Peters, p. 16. "Had Charles I. had the wisdom and prudence of this great writer (Anti-Machiavel) he never had plunged his kingdoms into the miseries of a civil war, nor by hearkening to his chaplains, refused terms which would have prevented his unhappy catastrophe." Pamphlet, p. 8. "Had Charles I. possessed such wisdom and prudence, he would have saved Great Britain from the miseries of a civil war, and have prevented his unhappy catastrophe." Peters, p. 17. "From hence, generosity or prodigality of temper may be inferred." Pamphlet, p. 13. "Hence may be inferred, his generosity, or prodigality of temper." Peters, p. 23. "We see nothing here but great civility in Peters, and the due discharge of his office." Pamphlet, p. 16. "We see nothing but great civility in the conduct of Mr. Peters, and a proper discharge of his office." Peters, p. 25. "Certain it is, he too much fell in with the times, and like a true court chaplain, applauded and justified what his masters did, or intended to do; though he himself might be far enough from urging them beforehand to do it." Pamphlet, p. 25. "It is evident Mr. Peters too much fell in with the times, and like Dr. Barwick, and all true court chaplains, applauded and justified what his and their masters did, or intended to do; but nevertheless, it never appeared that Peters urged them to do it." Peters, p. 32. "Ohe! jam satis est." We are fatigued with transcribing these plagiarisms, as doubtless our readers are with perusing them. We shall therefore regale them with an anecdote of the Rev. Mr. Ward, of whom there is an interesting account in our last Anthology, which affords no bad specimen of puritanical humour.

"The Rev. Mr. Ward, being an eminent puritan in England, disliked the spiritual and star chamber courts under the control of the hierarchy of England; he fled to New England, and became minister of Agawam, an Indian village, making the west part of Springfield, in the state of Massachusetts. He was an exact scholar, a meek, benevolent, and charitable christian. He used the Indians with justness and tenderness, and established one of the best towns on Connecticut river. He was free from hypocrisy, and stiff bigotry, which then domineered in New England, and which yet remains at Hadley and Northampton, not much to the credit of morality and piety. Mr. Ward had a large share of hudibrastick wit, and much pleasantry with his gravity. This appears in his history of Agawam, wherein he satirized the prevailing superstition of the times; which did more good than Dr. Mather's book, entitled, "Stilts for dwarfs in Christ to wade through the mud," or his Mag-

naliam, with his other twenty four books. His posterity are many, and have done their part in the pulpit, in the field, and at the bar, in the six states of New England, and generally have followed the charitable temper of their venerable ancestor, and seldom fail to lash the avarice of the clergy, who are often recommending charity and hospitality to the needy stranger, and at the same time never follow their own advice to others. Mr. Ward, of Agawam, has left his children an example worthy of imitation. The story is thus related :

"Dr. Mather, of Boston, was constantly exhorting his hearers to entertain strangers, for by doing so they might entertain angels. But it was remarked, that Dr. Mather never entertained strangers, nor gave any relief to beggars. This report reached Mr. Ward, of Agawam, an intimate *chum* of the Doctor while at the university. Ward said he hoped it was not true ; but resolved to discover the truth : therefore he set off for Boston on foot, 120 miles, and arrived at the door of Dr. Mather on Saturday evening, when most people were in bed, and knocked at the door, which the maid opened. Ward said, "I come from the country, to hear good Dr. Mather preach tomorrow : I am hungry, and thirsty, without money, and I beg the good Doctor will give me relief and a bed in his house until the sabbath is over." The maid replied, "The Doctor is in his study, it is Saturday night, the sabbath is begun, we have no bed, or victuals, for ragged beggars ;" and shut the door upon him. Mr. Ward again made use of the knocker ; the maid went to the Doctor, and told him there was a sturdy beggar beating the door, who insisted on coming in and staying there over the sabbath. The Doctor said, "Tell him to depart, or a constable shall conduct him to a prison." The maid obeyed the Doctor's order ; and Mr. Ward said, "I will not leave the door until I have seen the Doctor." This tumult roused the Doctor, with his black velvet cap on his head, and he came to the door and opened it, and said, "Thou country villain, how dare you knock thus at my door after the sabbath has begun ?" Mr. Ward replied, "Sir, I am a stranger, hungry and moneyless ; pray take me in, until the holy sabbath is past, so that I may hear one of your godly sermons." The Doctor said, "Vagrant, go thy way, and trouble me no more ; I will not break the sabbath by giving thee food and lodging ;" and then shut the door. The Doctor had scarcely reached his study, when Ward began to exercise the knocker with continued violence. The Doctor, not highly pleased, returned to the door, and said, "Wretched being, why dost thou trouble me thus ? what wilt thou have ?" Ward replied, "Entertainment in your house until Monday morning." The Doctor said, "You shall not ; therefore go thy way." Mr. Ward replied, "Sir, as that point is settled, pray give me sixpence or a shilling, and a piece of bread and meat." The Doctor said, "I will give thee neither," and again shut the door. And then Mr. Ward thundered with the knocker of the door, and the Doctor returned with great wrath, and said, "Thou art mad, or possessed with an evil spirit ; what wilt thou have now ?" Mr. Ward replied, "Since you, Sir, will not give lodgings, nor money, nor food, nor drink to me, I pray for your advice ; will you direct me to a stew ?" The Doctor cried out, "Vagrant of all vagrants ! the curse of God will fall on thee ; thou art one of the non-elects. Dost thou, villain, suppose I am acquainted with bad houses ? What dost thou want at a stew ?" Mr. Ward replied, "I am hungry, weary, thirsty, moneyless, and almost naked ; and Solomon, the wisest king the Jews ever had, tells me and you, *that a whore will bring a man to a morsel of bread at the last.*" Now Dr. Mather awoke from his reverend dream, and cried, "Tu es Wardonus vel Diabolus." Mr. Ward laughed, and the Doctor took him in and gave him all he wanted ; and Mr. Ward preached for the Doctor next day both morning and evening.

"This event had its due effect on the Doctor ever after, and he kept the Shunamite's chamber, and became hospitable and charitable to all in want."

Dr. Peters is a strong advocate in favour of methodism, and informs his readers, that "John Wesley's party has wonderfully increased in Europe and in America, and promises to comprehend all sects and parties in one society and communion of love." On the English hierarchy he has many severe animadversions. He failed of obtaining consecration as bishop of Vermont. *Hinc illae lacrymae.*

ART. 30.

Reports of Cases adjudged in the Supreme Court of Pennsylvania.
By Horace Binney. Vol. I. Parts 1 and 2. pp. 404. Philadelphia ; William P. Farrand & Co. 1809.

We are very glad to have the legal wisdom of one of the most important states in the Union again submitted to the press ; and we observe on opening the volume, that Mr. Binney has made one important improvement on his predecessor, by giving an abstract of each case in the margin.

The reporter observes in his preface, that he had for several years noted the arguments and decisions of the supreme court, though not for publication. These manuscripts being frequently referred to, are now printed, although they form no connected series. The regular course begins in 1806, when Tilghman, the present chief justice of Pennsylvania, accepted that seat. "How frequent the publication of these numbers will be, must depend essentially upon the situation of the court ; but the author's access to the notes and opinions of the judges, is upon a footing of so much facility to himself, that it is probable he shall [will] persevere in the collection, full as long as he shall be able to persuade himself that he renders any service to his profession." We hope the publication will be continued, according to this promise ; and we assure Mr. Binney, that he will be ranked high in the number of these benefactors of the commonwealth.

We shall not examine the propriety of any of the decisions ; but refer our readers to one or two of the most interesting cases. Calhoun vs. Ins. Co. Penn. afforded an opportunity for the discussion of the conclusiveness of sentences in admiralty courts of foreign nations, which has for many years occupied one or other of the courts in this country. This opportunity, as the cause did not turn on that point, was not, however, embraced by the judges, except Brackenridge, whose argument comprehends the question fully. He was opposed to the conclusiveness, and probably differed from his brethren. Our friends in Pennsylvania will receive next year the decision of the question, after mature deliberation by our supreme court, at their last session in this town.

The case of Desesbats vs. Berquier, is argued with much ingenuity by the counsel and the court. The decision is, that "a will of personal property must be executed according to the law of the testator's domicil, at the time of his death. If it is void by that law, it will not pass personal property in a foreign country, although it is executed with all the formality required by the laws of that country." The case in the margin of Guier and O'Daniel and another, deciding what is domicil and what not, is very interesting, and worthy of the perusal of merchants no less than of lawyers.

ART. 31.

An Oration on the character of the accomplished orator, delivered in the South Carolina society room, on the 28th. day of January, 1809 ; being the anniversary of the Charleston Moot Society, and published at their request. By Thomas S. Grimké, a member of that society.

"Μοῦσων καὶ γνῆτιρ' ἐμὲναι πρῆκτιρα τε εἰργαν."

"Ingenio pollet nec pietate caret."

....."His breast with all
The sage, the patriot, and the hero burns.
Him nature formed deep, comprehensive, clear,
Exact and elegant ; in one rich soul
Plato, the Stagyrte, and Tully joined."

Charleston (S. C.) printed by J. Hoff, No. 6, Broad Street.
pp. 32. 1809.

The plan of this oration is to trace the progress of the accomplished orator from childhood, to describe the qualities necessary to constitute that character, and point out the gradation by which they are acquired or unfolded. The plan is sufficiently judicious, and the execution of it perhaps above mediocrity. The progress of intellect marked by this orator is similar to that described in the minstrel of Beattie, whose hero probably suggested the outline. Its fault, considered as a description to be practised upon or compared with reality, is, that it gives, too much weight to general principles, and too little to accident. We should be unwilling to recommend the style of this performance for imitation ; it savours too little of Quintilian's "verte-re stylum." The following is rather a favourable specimen of the manner. "He (the orator) would observe even in children indications of reasoning and fancy ; whilst the *sensible and spirited harangues of the savage would exhibit those rude but masterly touches, which we might expect from Cicero and Chatham, had they lived in a barbarous age. Reflection would quickly discover that, while art distinguishes oratory into three branches, there are in nature but two essential divisions, the eloquence of logick, and the eloquence of rhetorick. The former is built on the broad basis of reason,* the latter is the child of passion. The former is the flaming sword of truth, which cuts asunder the chains of sophistry, and the nets of metaphysical theory ; or flashes the strong light of conviction through the mists of error and the glooms of superstition. The latter is the enchanter's spell, which awakens equally joy and sorrow, and persuades us that we are already chained in the bottomless pit, or crowned with immortal happiness in the courts of heaven."

* The use of *sensible* with this meaning, though it may be authorized by the dictionaries, is not free from corruption. The true meaning is *obvious to sense*. Vid. Diversions of Purley.

RETROSPECTIVE REVIEW.

ART. 6.

Pietas et Gratulatio Collegii Cantabrigiensis apud Novanglos. Bostoni, Massachusettensium ; typis J. Green et J. Russell. pp. 106. 1761.

THIS little volume will be considered as an interesting antiquity. When we have seen men respectable and illustrious in the active scenes of life, it must be pleasing to look back on some of those first efforts that divided them from the many. It has been long eustomary at the universities, and even the more distinguished schools in Europe, to honour every remarkable occasion, as a coronation, a royal funeral or marriage, with a volume of verses, by various hands, and in various tongues. The number of languages employed on these occasions has sometimes been very numerous ; the death of Pecesir, a literary nobleman of France, was lamented in forty. The contributions from Oxford and Cambridge, on the same events that produced our "*Pietas et Gratulatio*," beside the foreign dialects intelligible to the vulgar literary, as Latin, Greek and Hebrew, contained elegies or epithalamia in Arabick, Syriack, Welsh, and even Phenician. This volume was the offering of Harvard College, on the demise of George II. and the accession of his grandson. It contained the contributions of many young men of brilliant promise, since distinguished for talents or usefulness.

At the time when it was written, it was read with great interest in the mother country, and shared a better fate from those tyrants, the reviewers, than the similar contributions from Oxford and Cambridge. It is thus mentioned in the *Monthly Review* for July, 1763, vol. 29. p. 22. "A poetical offering from a college in America, and the first of the kind that a king of Great Britain has received from his colonies, must be esteemed a curiosity. The collection before us has not been advertised for sale in London ; but having been favoured with a copy of it, we could not upon such an occasion withhold either the testimony of our approbation, or the manifestation of that pleasure we have received from the perusal." After mentioning in handsome terms the address and several particular pieces, the reviewer concludes ; "This collection cannot boast of poems written in Arabick, Etruscan, Syriack or Palmyrene ; it is not however without Greek poetry, of which kind there are an elegy and an ode not inferiour to other modern Greek poems. It must be acknowledged, after all, that this New England collection, like other publick offerings of the same kind, contains many indifferent performances ; but these, though they cannot be so well excused when they come from ancient and established seats of learning, may, at least, be connived at here ; and what we could not endure from an illustrious university, we can easily pardon in an infant seminary." The *Critical Review* for October, 1763, vol. 10, p. 284, concludes two or three pages of generally

favourable observations by an opinion that "the verses from Harvard College already seem to bid fair for a rivalry with the productions of Cam and Isis."

The collection is introduced by an address to the king from the President and Fellows, which is probably from the pen of Governor Hutchinson ; in a copy which we have seen, and which was formerly in possession of the late *Stephen Sewall, it is however

* STEPHEN SEWALL, A. M. and A. A. S. one of those Americans who have made the greatest proficiency in classical learning, deserves to be particularly noticed. We have been informed, that a literary gentleman of our neighbourhood proposes soon to print some of his unpublished manuscripts, with a biography of the author. We cordially hope that he will proceed in the undertaking, and shall only awaken the curiosity of our readers by this brief sketch. He was born at York, in the district of Maine, in April, 1734, of a family distantly related to that of the Honourable Samuel Sewall, Judge of the Supreme Judicial Court of this state. The circumstances of his family were not wealthy, and he was educated in the trade of a joiner, till he had acquired by this business sufficient property to enable him to devote his attention to pursuits more congenial to his wishes. At the age of twenty four he entered Harvard college, which he left 1761, and the progress he had then made in classical learning may be estimated in some measure by his contributions to the *Pietas et Gratulatio*, which we have pointed out in the text. Two Greek pieces, the only pieces of length in that language, were contributed by him, and they are certainly handsome and pure. After leaving college, Mr. Sewall employed himself for some time at Cambridge as a schoolmaster. In 1760 the office of instructor of Hebrew in Harvard College became vacant by the death of Judah Monis, a Jew of Algiers, who had for some time exercised that office. Monis was a man well qualified for the department, and had written a grammar that displays his acquaintance with the language, but he was a foreigner, and he was awkward and unhappy as an instructor. These unfortunate circumstances had increased the dislike of Hebrew, which sometimes prevails in our university and rendered it extremely unpopular, but we are informed that, after Mr. Sewall assumed the office, his amiable manners and happy mode of instruction quite reinstated the muses of Palestine in their accustomed credit. In 1765 the Hancock professorship of Hebrew and other oriental languages was founded, and Mr. Sewall was appointed the first incumbent. The Hon. James Winthrop of Cambridge, in a character of him inserted in the *Repertory* soon after his death, has said that he was without competitor ; we have been informed however by a gentleman of the best authority that the road to preferment on this occasion was smoothed by the smiles of beauty. There was at that time a very eminent Hebrew scholar, whose name is not recollected, that was generally looked up to as the probable candidate, but Mr. Sewall was paying his addresses to the daughter of Dr. Wigglesworth, senior, then Professor of Divinity, a very influential member of the government, and his success in this application gained him the professor's assistance in obtaining the office. However this may be, his conduct in the office gave universal satisfaction. He was not a man of brilliant genius or uncommon talents, yet his love for learning and arduous application had accomplished him not only in the Eastern languages and the classical authors, but in almost every branch of science he was considered as preeminently skilful. His lectures were well written and displayed good powers of composition in the English language. In the interval between the death of Dr. Winthrop, mathematical professor, and the choice of his successor, Mr. Sewall performed the duties of his office, as instructor of the students in that branch. Every composition in the classical tongues, mathematical solutions, and indeed every scientific or literary exercise was habitually for a series of years submitted to him for revisal and correction ; and it has been said that, after the period of his usefulness had ceased, some of the publick classical performances of our university gave practical testimonials of his loss. Those who knew him in his happy days speak with warm enthusiasm of his amiable manners, and his affability in communicating all he knew, which made him the idol of the students and his friends. Such he was in his better days. When president Holyoke died, Mr. Sewall was appointed to deliver an English oration at his func-

marked with the name of Governour Bernard. This address is handsome. After a few pages of political congratulation, it proceeds :

“ While we please ourselves with the prospect of the probable destination of this our country, we flatter ourselves that the increase of people and wealth will of course produce the improvement of arts and sciences. It must be so in a British government ; it must be so under your majesty’s reign. It is upon this consideration only that we have presumed to express our thoughts upon the political relations of this country. Science is our business ; but we find science and policy so intimately connected that we cannot separate the ideas of one from the other. We have therefore been obliged to express our expectation of the advancement of the one, in order to explain the grounds of our hopes of the improvement of the other.

“ The College, on behalf of which we have presumed to lay before your majesty this most humble offering, is by much the oldest seat of learning in your American dominions : It has by many years exceeded its first century, and it has prospered as well as could have been expected, considering all the disadvantages it has lain under. It was founded in a country, where the people have aimed at little more than an independent subsistence, and have had few superfluities for publick foundations. It has had very little assistance from our mother country ; the whole amount being some private

ral, 8th. June, 1769, and he delivered a Latin one at the funeral of Dr. Winthrop, 3d. July, 1779. This latter occasion is said to have been one of the first in which he discovered that unhappy propensity that destroyed the usefulness of his later life. In politicks he was a fervent whig in those revolutionary times, and was chosen representative by the town of Cambridge in 1777, which office he held one year. The habit, at which we have hinted, increasing upon him, soon disqualified him for his office, and he was accordingly dismissed from the professorship in 1785. After this period he led a very retired life in Cambridge entirely useless to literature or society ; and when the writer of this article a few years since resided at Cambridge it was scarcely known that he was in existence, who was once so esteemed and loved. He died at Cambridge in August 1804. The most distinguished patriot and the most distinguished scholar of the early period of our revolutionary struggle, thus spent their declining years.

“ In life’s last scenes what prodigies surprise,
Fears of the brave and follies of the wise.
From Marlborough’s eyes the streams of dotage flow,
And Swift expires a driveller and a show.”

Besides the pieces printed in this collection and the two orations we have mentioned, Mr. Sewall published in 1786, a translation of the first book of the Night Thoughts into Latin hexameter ! a Greek poem on the last day, and some smaller poems in Latin ; these we have not had an opportunity to examine, but have been assured by a good judge that they are pure and elegant. He also published in 1794, a theological tract on the Shekinah, which is learned and luminous ; and in 1796 an account of the overthrow of Sodom and Gomorrha : these two were originally delivered as lectures in the college chapel. In 1763 he published a Hebrew grammar, compiled principally from that of Lyons, which, with the omission of the vowel points and the rules concerning them, is still studied at the university. He also wrote a Syriack and a Chaldaick grammar, which were never printed, but were used in the university by those who studied those languages. He left in manuscript a treatise on Greek prosody which is in the Harvard library, and no doubt would well repay the expense of publication. We have also been informed that he had made some progress in a Greek and English dictionary which he left incomplete, and it was not known where the fragment was deposited. If in a state of forwardness, it might assist and instigate some scholar to supply this great desideratum in English literature.

We are happy to inform our readers, that the necessity of notices on the other writers in this little volume is amply supplied by the very useful biographical work of Dr. Eliot of this town, now in the press ; whose kindness and liberality also furnished several circumstances for this notice.

benefactions, which we most gratefully acknowledge. Nothing but an extraordinary zeal for religion and learning, which has always prevailed among this people, could have brought it to what it is.

"The English colleges have had kings for their nursing fathers, and queens for their nursing mothers: we have hitherto been too distant and too little known to experience the royal munificence. The glorious commencement of your majesty's reign, which will form a new era for North America, affords us the first encouragement to look up to the throne for favour and patronage.

"As we are persuaded that this country will become a more interesting object to Great Britain, than it has been in the time of any of your predecessors; so we are assured that your known attachment to religion, virtue and science, will induce your majesty to look upon the seminaries established for their advancement as not beneath your royal consideration.

"For our parts we shall so faithfully execute the trust reposed in us for the education of the youth committed to our charge, that we shall use all means to make them sensible of the blessings derived from your majesty's government, that they may be in their future stations grateful as well as useful subjects to the best of kings.

"We are, with all humility,
may it please your majesty,
your majesty's most loyal
and most dutiful subjects,

THE PRESIDENT AND FELLOWS OF HARVARD COLLEGE."

We shall not pretend to criticise minutely the merits of the various pieces composing this collection. Like other collections, they are of different excellence. The names of the authors as far as they are known, are the following; they are mostly taken from the above mentioned copy belonging to Mr. Sewall, and, as he was at the time when they were written, a member of college, and wrote several of them himself, are probably correct. No. I. President Holyoke; he was then very old, and his Adhortatio is said to have been corrected by master Lovell. The Monthly Reviewer observes that it is truly Horatian. No. II. entitled "*Ad Praecellentissimum Provinciae Prefectum, qui juventutem ad hoc munus primus incitavit,*" and No. XXV. in English, were by Mr. John Lovell, commonly called master Lovell, of Boston. No. III. a congratulatory piece in Latin; No. V. a lyrick composition in English; No. XII. a Latin poem in elegiack verse; No. XIV. a Latin Sapphick; No. XV. a Greek elegy; No. XVI. a Greek Sapphick ode; No. XXIII. a Latin Sapphick; were all by Stephen Sewall. No. VII. an English poem, by Mr. John Lowell, of Boston, afterwards L. L. D. and A. A. S. member of congress, and judge successively of the court of appeals, district court and circuit court of the United States. No. X. an English Lyrick, by the Rev. Dr. Deane, of Portland, the only surviving contributor. No. XI. an English poem, by Benjamin Church, who in 1775 was appointed physician general of the army. No. XIII. by Dr. Samuel Cooper, predecessor to Rev. Dr. Thacher, in Brattle Street church, Boston. His is in a species of measure generally unsuccessful in English poetry, lyrick verse without rhyme. Nos. XVIII. and XIX. were by that accomplished scholar, Governour Francis Bernard, who, even at Oxford, was esteemed in the highest rank of classical scholars; the former is a Greek epitaph, the latter a Latin translation of it. No. XX. is not marked as his, but being an English translation of XVIII. and XIX. without doubt belonged to him;

H h h

he also wrote No. XXXI. the epilogus, which we have extracted. Nos. XXVI. and XXVII. by Dr. Winthrop, and No. XXIX. by Thomas Oliver, afterwards judge and lieutenant governor. Of the pieces whose authors are not known, No. IV. is a short English poem of indifferent merit ; No. VI. a short Latin elegy ; Nos. VIII. and IX. two tolerable Latin epigrams ; No. XVII. a long English poem ; No. XVI. a Latin Sapphick, entitled in Regis Inaugurationem ; No. XXII. a Latin Epigram ; No. XXIV. a handsome epithalamium in Latin Sapphick ; No. XXV. an English poem ; No. XXVIII. a handsome lyric ode in English, which from internal evidence we should conclude to be Dr. Cooper's ; No. XXX. an indifferent English poem. If any gentleman who may see this notice should be acquainted with the authors of the undiscovered pieces, or can correct any errors in the assignment of those whose authors are supposed to be known, he may gratify the not illiberal curiosity of some, by communicating his information to the editors of this Miscellany.

The English pieces are generally not very remarkable for good poetry. The piece numbered XI. by Dr. Church is much praised by the Monthly Reviewers, and particularly the conclusion :

May one clear calm attend thee to thy close,
One lengthened sunshine of complete repose ;
Correct our crimes and beam that christian mind
O'er the wide wreck of dissolute mankind ;
To calm-browed peace the mad'ning world restore,
Or lash the demon thirsting still for gore ;
Till nature's utmost bound thy arms restrain,
And prostrate tyrants bite the British chain.

This is good poetry, and much better than most parts of the same piece. The piece, numbered XXVI. by the accomplished and classical Dr. Winthrop, has more to recommend it than mere elegance and purity of expression, the usual acme of modern Latin poetry : The thoughts are ingenious and happy.

Dum servat stellus oculis HALLEIUS acutis,
Et varias coeli perspicit arte vices ;
Sidere quo crebris alerentur ab imbribus amnes,
Et laetas segetes arva rigata ferant,
Et quo spirantes Zephyri felicibus auris
Classibus Angliacis aequora tuta darent ;
Dumque ita non aequo volventes orbe Planetas
Ex medio lucem sole referre videt,
Congressus SENIOR Veneris eum sole futuros
Prospiciens tantoque omine laetus ait :
" Qualia volvendo non secula lapsa tutere
Haec miranda aestas una eademque dabit.
Apparet facies rerum pulcherrima coelo,
Nec minor in terris conspicietur honos.
Quo splendore novus thalamo sol aureus exit,
GEORGIUS hoc cinctum fert juvenile caput ;
Nec Venus aetherios micat inter purior ignes,
Virgineos ornat quam CAROLETTA choros
His cito conjunctis sociali lege, videtur
Aemula stellanti terra Britannia polo."

His English translation of the above, number XXVII. is not much inferior to the Latin, but we have not room to insert it. The productions of Mr. Sewall, afterwards Hebrew Professor, display an intimate acquaintance with the classic models; those of Gov. Bernard are perhaps as elegant as any of the collection. We extract the conclusion by this gentleman; and having thus recalled the reader's eye to a specimen of our classical state at the distance of half a century, we shall hardly venture to suggest that our progress has been scarcely equal to our promise, but content ourselves with hoping that the agreeable prognosticks in the following lines will one day be verified, and that America will be not only a free, but a learned, a liberal, and a generous people.

EPILOGUS.

Isis et Camus, placide fluentes,
Quà novem fastos celebrant sorores,
Deferunt Vatum pretiosa REGI
Dona BRITANNO.

Audit hæc flumen, prope Bostonenses
Quod NOVANGLORUM studiis dicatas
Ablui sedes, eademque sperat
Munera ferre.

Obstat huic Phoebus, chorus omnis obstat
Virginum; frustra officiosa pensum
Tentat insuetum indocilis ferire
Plectra juvenus.

Attamen si quid studium placendi,
Si valent quidquam Pietas, Fidesque
Civica, omnino rudis haud peribit
Gratia Musæ.

Quin erit tempus, cupidi augurantur
Vana ni Vates, sua cum NOVANGLIO
Grandius quoddam, meliusque carmen
Chorda sonabit.

TO CORRESPONDENTS.

We were not unacquainted with the circumstance that Manto, the prophetess, was the daughter of Tiresias. The epigram, which our correspondent Manto sent us with a translation, we had seen in the appendix to Veneroni's Grammar, without the name of the author, and we concluded from the position of the name and the Italian form of the word, that our correspondent intended her signature for the name of the author. Her translation was probably hasty, and rendered inadmissible by two or three striking mistakes in meaning; yet in prosecuting the elegant path of Italian literature, should she meet with any more flowers, we doubt not she could trim and deck them to please delicate tastes, and our bouquet will be gladly opened to receive them.

We received a poem extracted from a newspaper, *on the death of a friend*. Though the poetry is valuable, yet as it has appeared in the volume of Southey's minor poems, and in the gazettes, we consider it as sufficiently public.

The conclusion of the Review of M'Farland on Heresy came too late for insertion this month.

ERRATA....The signature C. on page 404, should have been affixed to the first piece of poetry on page 403.

In verse 3, line 6, of the Latin version of Spenser's description of Envy, for *abtreclare* read *obtrectare*.

INTELLIGENCE AND MISCELLANEOUS ARTICLES.

DOMESTICK.

WE have long wished to afford our readers some notice of the American Law Journal, by John E. Hall, Esq. of Baltimore, because we are unwilling to pass over any intelligence that may hereafter assist the historian of our literary efforts. A periodical work of miscellaneous composition does not indeed fall within our cognisance as reviewers, since we have no jurisdiction over those who, being engaged in the same pursuits as ourselves may fairly claim an equality with us.

We agree with the editor in his opinion of the importance of such a work as he has undertaken, and we believe the publick voice approves the execution. Our country is composed of seventeen different communities, each enjoying independent legislation, each governed by laws, many of whose provisions, both statute and traditional, are very different. A publication, like Mr. Hall's, seems, therefore, absolutely necessary to afford information to an inhabitant of this state in the prosecution of his rights in New York, Maryland, or Carolina. It will also afford much assistance in producing uniformity in our decisions on commercial questions, which would be so beneficial to the whole community; and although perfect similarity will never be obtained, yet the constant approximation will favour the calculations of the merchant, and must be considered by the politician as one of the surest bonds of the federal union.

Mr. Hall's remarks on this subject are worth extracting. In his preface, he says, "An act may be legal in one state, which is not so in another. Every merchant must sensibly feel the inconvenience and perplexity which result from his ignorance of those laws by which his dearest rights and most important privileges are regulated. If he apply for advice respecting a contract which has been made in a different state, his counsel may not be able to procure the statute by which that transaction is governed; and if it be in his possession, he is still ignorant of the exposition or limitation which it has received from juridical adjudications."

"It frequently happens that instruments of writing, which are duly authenticated according to the laws of one state, when opened in the courts of another, are found to be perfectly nugatory; and the unfortunate suitor, after incurring a heavy expense, is unable to assert his right or must submit to an unjust claim, because he was ignorant of the laws which prevail where the controversy has existed."

The editor requests assistance from the professional gentlemen who are able to afford it, and suggests a few topicks for their reflection. "A brief digest of such laws of the different states as are of general importance, particularly of those which relate to negotiable paper, to the manner of executing legal instruments, such as deeds, letters of attorney, &c. and of authenticating them so as to make them evidence.....adjudged cases in England or America.....opinions delivered by eminent counsellors of any country.....lists of English statutes which have been extended to the different states.....early notices of new publications on subjects of law, commerce, or politicks.....essays on legal or commercial subjects.....biographical memoirs of distinguished characters.....sketches of parliamentary and congressional debates, &c. &c. may not be uninteresting to those who would relieve the aridity of juridical inquiries by contemplating the various incidents of human life, admiring the scintillations of wit, the eloquence of the orator, or the schemes of the statesman."

Mr. Hall's plan may be made still more comprehensive; and we would recommend inquiries into the origin of the Federal constitution and that of the several states, which would afford us some view of the progress we have made. Changes, more frequent than those of the moon, in the form and the substance of the several governments, were once considered the employment or the sport of visionary politicians, and too many of our politicians were of that class; now the reverence, which the sober and the speculative equally profess,

is almost as great as that which they ought to feel. The discussion of old constitutional questions should fill a part of the volume; and the tracts on the subject should either be resuscitated, or an abstract be supplied. We forbear to mention two or three of the earliest under the administration of President Washington, because we wish not to confine but to enlarge the range of inquiry. These hints we have offered, because we think the publication will become valuable from the learning and industry of the editor.

We highly applaud the attempt of Mr. Hall, and the publication is much more interesting than could have been expected from so novel an undertaking. As friends to the publication, we should have been more pleased, had the space occupied by Perrin and Blake been filled with other matter, as so full a report of that case, is found in *Collectanea Juridica*, vol. i. 283. We will also suggest to Mr. Hall, that the State Papers will take up too much room in his Journal, if published entire, and if not entire, that we have no pleasure in turning over the important documents which we had read months before in the gazettes.

USEFUL ARTS.

Among the greatest impediments to the progress of improvement in the useful arts, may be reckoned a blind and bigoted attachment to customs and processes, whose absurdity is sanctioned by antiquity. The aborigines of America, it is said, were averse to iron implements of husbandry, and refused to adopt European improvements in agriculture for fear of giving offence to the GREAT SPIRIT, who, they alleged, would visit them with droughts, mildew, storm, and pestilence, by way of punishment for such innovations on the customs of their ancestors. The honest boors in some part of Germany, in transporting their corn to be ground, it is reported, tie a stone at the mouth of the sack, of weight sufficient, when laid on a horse, to balance the grain at the other end, and plead the authority of custom. Although a similar spirit prevails as little in the United States as in most countries, yet something of the kind may be observed. The practical farmer, artist, and mechanic too frequently entertain violent prejudices against theory, and even refuse their assent to important improvements, which are the result of experiment, provided the evidence of such improvements is to be found in books. Hence many processes, which are well known, and in common practice in Europe, are either not introduced or very partially made use of in the United States. These prejudices, however, it is hoped, are becoming evanescent, and the time approaches in which the useful truths of philosophy will be as familiar to the mechanic at his bench, or the farmer in his field or at his fire side, as to the chymist in his laboratory or the philosopher in his closet.

Impressed with the foregoing sentiments, we were highly pleased with a work lately published by C. and A. Conrad & Co. entitled "The Register of Arts, or a Compendious View of some of the most Useful Modern Discoveries and Inventions, by Thomas Green Fessenden." This work does not pretend to originality, but as we learn from the preface, in culling from foreign journals, the editor has confined himself to such papers as promise to be of practical utility in the United States, and has given such specimens of American ingenuity as promise to be most extensively beneficial.

Many of the articles are such as have obtained the sanction of learned societies in Europe and America. The authors of many of the inventions and improvements recorded in the volume, have been honoured with medals and other rewards for their ingenuity, bestowed by gentlemen fully competent to appreciate their value. The foreign articles are derived principally, from the following respectable sources. The Transactions of the society for the encouragement of Arts, Manufactures and Commerce; Tilloch's Philosophical Magazine; Nicholson's Philosophical Journal; The Society of Agriculture for the department of the Seine; The Repertory of Arts; Retrospect of Discoveries; Annales de Chimie; The Bath and West of England Society; Journals of the Royal Institution of Great Britain; Papers of the Commercial Board of Agriculture; Aikins's Athenaeum; Annales des Arts et Manufactures; Johnson's History of Animal Chymistry; Bibliotheque Physico-Economique; the Transactions of the Economical Society of Leipsick; Hunter's Geographical Essays; The Journal de Physique; Bulletin des Sciences, des

Letters, et Des Arts ; Journal Des Mines ; The Annals of Medicine ; The Decade Philosophique ; The Translations of the Economical Society of Petersburg, and Translations of the Royal Academy of Stockholm.

The editor has been less copious than could have been wished on the subject of American arts and manufactures, inventions and improvements, and states by way of apology, that those who have or fancy they have made improvements or inventions, have generally objected to make them publick, "alleging that the patent laws of the United States, were by most apprehended not to give sufficient security to the patentee in the property of his invention." He has, however, given a list of all the patents, which have been taken out of the office of the secretary of state, from July, 1790, to January, 1805, specifying the subject of the patents, with their dates, and the names of the patentees. Among the articles which are descriptive of American ingenuity, we observed, Account of a method for preventing the premature decay of fruit trees ; Description of a method of cultivating peach trees, with a view to prevent their premature decay ; Mix's main spring for carriages ; Account of the profit and loss on Merino sheep, by Robert R. Livingston, Esq ; The best mode of taking honey ; Description of a submarine vessel ; Experiments and observations on calcareous and gypseous earths ; on the cultivation of the poppy plant ; On expressing oil from sunflower seed ; On the raising of red clover seed ; On expressing oil from bean seed, &c.

Among the inventions described in this work, for which the authors received premiums from foreign societies, are, a machine for grinding colours ; Description of a wheel drag ; Implement to enable shoemakers to work in a standing position ; Cheap engine for raising water ; Apparatus for driving copper bolts into ships, and a method of relieving cattle or sheep when they are hoven or swollen.

Among others, which appear to possess great utility, are, a process for watering hemp ; Purification of fish oil ; On steam, as a vehicle for conveying heat ; On bleaching powder ; Dutch method of preserving herrings ; A cement for preserving vessels from worms ; On raising and dressing hemp ; On the form of animals ; On the analysis of soils ; On making glue ; On pruning orchards ; On promoting the growth of young fruit trees ; On grass land ; On bleaching cotton ; On preparing radical vinegar, &c. &c.

In that part of the work which is expressly devoted to American improvements, we have a sketch of manufactures, manufactories, bridges, canals, patent inventions, &c. The most prominent articles are, an account of Trenton bridge ; Of Schuylkill bridge ; Artificial mineral waters ; The Lehigh coal mine ; Mr. Evans's improvements in steam and mill machinery ; The Pennsylvania academy of fine arts ; The Philadelphia Museum ; The pneumatick cock and hydrostatick blow pipe, by Mr. Robert Hare, jun.

The English mode of forming iron rail ways is described at length, pp. 236, 239, 282. From the latter we learn that it has been found by experiment that "one horse, value 20l. on a declivity of an iron road five sixteenths of an inch in a yard, drew thirty five tons, overcoming the vis inertiae with ease."

"In a great many cases," says the author of the article referred to, "it will occur, where a rail way, either connected with a canal or not, will be the mode of a cheaper conveyance than water would be. It clearly appears in the case of the Ashby canal, that their rail way, which is now executing, and a double one will cost two thirds less than a canal would have done in the district of their rail way, where the ground for a canal is unfavourable, and furnish the article of lime, which it is chiefly intended to convey at two fifths less than a canal would have done. A rail way is more certain than a canal, being more easily repaired ; neither do frost nor dry seasons affect the trade thereon."

In most parts of the United States, the vicissitudes of the seasons which affect canals are greater than in England, and the reasoning in favour of iron rail ways, will of course apply still stronger in this country than in Great Britain.

From the foregoing slight sketch of the "Register of Arts," the utility of the work is obvious, and will, it is hoped, recommend it to the attention of the publick.

U. S. Gazette.

Extract of a letter from a gentleman who arrived in the Pacific, from London, to the editor of the Philadelphia Gazette.

"Our countryman WEST maintains his preeminence in the art of painting; his years decline, but his genius blazes in the meridian. The annual exhibition of the Royal Academy was opened on the 1st. of May; and connoisseurs admit that the contributions of West stand unrivalled; the subject of his best picture is taken from the following part of Gray's Bard:

"On a rock whose haughty brow
Frowns o'er old Conway's foaming flood,
Rob'd in the sable garb of wo,
With haggard eyes the poet stood;
Loose his beard and hoary hair,
Streamed like a meteor to the troubled air,
And with a master's hand and prophet's fire
Struck the deep sorrows of his lyre."

"The silent picture of the painter is more vivid and impressive than the speaking picture of the poet. Colonel Trumbull, who left America last winter, had sent some landscapes which were much commended. Our young and thinly populated country, notwithstanding untoward circumstances, has been fertile in the production of eminent painters. Besides those whose fame is already known to the world, we have younger artists who are bursting from obscurity into light. The portraits of Mr. Vanderlin, of New York, and his historical and original picture of "Marius sitting amid the ruins of Carthage," have been admired by connoisseurs in Italy, and Angelica Kauffman, before her death in 1807, pronounced another American to be superiour in landscape painting to any of the numerous pupils from different countries who were then at Rome.

"Painting is nearly allied to poetry; no inconsiderable degree of taste, judgment, and imagination are necessary to form a painter; and although vanity has been imputed, and perhaps in some cases justly, to the American character, yet the genius for painting, which is displayed, is a fair object of pride, and warrants a hope that the sister art of poetry will ere long be cultivated with equal success."

CATALOGUE

OF NEW PUBLICATIONS IN THE UNITED STATES.

FOR JUNE, 1809.

Sunt bona, sunt quaedam medioeria, sunt mala plura. MART.

NEW WORKS.

Georgick Papers for 1809, consisting of letters and extracts communicated to the Massachusetts Society for promoting agriculture. Published by the Trustees. Boston; Russell and Cutler.

Two Discourses; the first delivered on taking leave of the old meeting house in the third parish in Dedham, Feb. 26th. and the second at the dedication of the new house in said parish, March 1, 1809. By Thomas Thacher, A. M. pastor of the church in said parish. Dedham; H. Mann.

A Discourse delivered before the Lieutenant Governour, the Council and Legislature of the Commonwealth of Massachusetts, May 31, 1809, being the day of General Election. By David Osgood, D. D. pastor of the church in Medford. Boston; Russell and Cutler.

An Address to the people of the United States on the measures pursued by the executive with respect to the Batture at New Orleans, &c. &c. By Edward Livingston, of the city of New Orleans, counsellor at law. New Orleans; Bradford and Anderson.

A Review of the cause of the New Orleans Batture, and of the discussions, &c. &c. By Peter Stephen Du Ponceau, C. L. Philadelphia; Jane Aitken.

An Epistle to a member of the General Court of Massachusetts, for 1809. Boston.

A General View of the Doctrines of Christianity, compiled principally from Fellows's Religion without Cant. Boston; Hastings, Etheridge and Bliss.

An Address to the Charitable Fire Society, &c. By Alexander Townsend. Boston; Russell and Cutler.

NEW EDITIONS.

A Practical Treatise on Bills of Exchange, Checks on Bankers, Promissory Notes, Bankers' Cash Notes, and Bank Notes. By Joseph Chitty, Esq. of the Middle Temple. A new edition; from the second corrected and enlarged London edition; with the addition of recent English and American cases. By Joseph Story, Esq. counsellor at law. 8vo. Price \$4. Boston; Farrand, Mallory and Co.

The complete Works of Dr. Jonathan Edwards, in 8 vols. 8vo. Boston; I. Thomas.

Milner's Church History. 4 vols. 8vo. Boston; Farrand, Mallory and Co.

WORKS PROPOSED, AND IN PRESS.

Hastings, Etheridge and Bliss, have in press, the first volume of the Works of Samuel Johnson, L. L. D. in eighteen volumes, with an Essay on his Life and Genius, by Arthur Murphy, Esq.

Samuel Jeffries and Joseph Robinson, of Baltimore propose to publish by subscription, The Life of Francis Guy, landscape painter in America, &c. &c. written by himself.

Lincoln and Edmands have in press, Murray's Sequel to the English Reader.

Farrand, Mallory and Co. are preparing for the press, Coke's Reports, from the last London edition.

Also.....Coke upon Littleton.

Proposals will soon be issued for obtaining subscribers to the other four volumes of the Institutes.

Oliver and Munroe have issued proposals for publishing by subscription, a New England Biographical Dictionary; containing a brief account of eminent and worthy persons from the first settlement of the country. By the Rev. John Eliot, D. D.

The work, for which the encouragement of the publick is now solicited, is already completed, and is passing through the press. The author, who is a member of the Historical Society, has, in consequence of his connection with that institution, for many years turned his attention to the history and biography of New England; and, after having often enriched their collections with his own communications, in this work avails himself of many documents to be found only in their possession. All the friends of New England principles and habits, we presume, will feel an interest in this dictionary; and our most curious antiquarians well know, without our praises, what to expect from these labours of Dr. Eliot, which they have often solicited him to complete and to publish. To collect the scattered information of individuals, and impress it on paper, before those memories, which now retain it, shall have failed; to rescue from oblivion many names, which, in older countries, would have been eagerly saved by literary industry or curiosity; to point out to future historians and biographers the sources of American history; and to provide an abundant stock of anecdotes for future literary and ecclesiastical annalists in a rising country, are some of the many purposes, which the publication of this work will essentially promote. When the presses every where teem with unsolicited and unprofitable novelties, and encouragement is every day given to compilations and transcripts of American history of little value and of short duration, the printers of this volume presume that an *original work* of this kind and value, from the pen of the Rev. Dr. Eliot, will not be suffered to fail of publication, through the want of subscriptions, or through defect of curiosity in a generous publick.

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